

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CIVIL ACTION NO.
	)	
BRAD RAFFENSPERGER, ET	)	1:17-CV-2989-AT
AL,	)	
	)	
Defendants.	)	

VIDEOTAPED 30(b)(6) DEPOSITION OF OFFICE OF THE  
SECRETARY OF STATE  
(through William "Chris" Harvey)

(Taken by the Curling Plaintiffs)

January 28, 2022

8:40 a.m.

Reported by: Debra M. Druzisky, CCR-B-1848

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9 Susan Greenhalgh  
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2 Witness Name: Page

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12 Second Amended Notice of  
13 Deposition of Office of the  
Secretary of State re: The  
above-captioned action.

14 Exhibit 2 LinkedIn profile re: Chris 35  
Harvey.

15 Exhibit 3 (Exhibit not identified by  
16 counsel.)

17 Exhibit 4 State Defendants 101460 thru 44  
18 461, 11-6-20, E-mail string from  
Chris Harvey to Frances Watson  
re: Violation.

19 Exhibit 5 State Defendants 101471 thru 61  
20 473, 11-10-20, E-mail string  
from Chris Harvey to Frances  
21 Watson re: Security seals on  
B.M.D.s.

22 Exhibit 6 State Defendants 108321, 56  
23 10-10-20, E-mail from David  
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24 County.

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1 THE VIDEOGRAPHER: Today's date is  
2 January 28th, 2022, and the time is 8:39  
3 a.m. This will be the remote videotaped  
4 deposition of Chris Harvey.

5 Would counsel please introduce  
6 themselves and any objection to the  
7 witness being sworn in remotely.

8 MR. CROSS: This is David Cross on  
9 behalf of Curling plaintiffs.

10 MR. ICHTER: This is Cary Ichter on  
11 behalf of the Coalition plaintiffs.

12 MR. RUSSO: This is Vincent Russo on  
13 behalf of the State defendants.

14 MR. LOWMAN: This is David Lowman on  
15 behalf of Fulton County defendants.

16 THE VIDEOGRAPHER: Would the court  
17 reporter please swear in the witness?

18 WILLIAM "CHRIS" HARVEY,  
19 having been first duly sworn, was examined and  
20 testified as follows:

21 EXAMINATION

22 BY MR. CROSS:

23 Q. Morning, Mr. Harvey.

24 A. Good morning.

25 Q. Can you hear me okay?



1           A.     I can.

2           Q.     Do you understand that you are testifying  
3     on behalf of the Secretary of State's office today  
4     on a couple of specific topics?

5           A.     I do, on a couple specific topics.

6           Q.     All right. And do you understand that  
7     that means that you're testifying to the  
8     Secretary's office's knowledge of information on  
9     those particular topics?

10          A.     Yes.

11          Q.     All right.

12                                 (Whereupon, Plaintiff's  
13                                 Exhibit 1 was marked for  
14                                 identification.)

15     BY MR. CROSS:

16          Q.     So let me, since you don't have Exhibit  
17     Share, tell me if you can see what's on the screen  
18     now. It should be Exhibit 1.

19          A.     I can, yes.

20          Q.     Okay. And you see that this is our second  
21     amended notice of deposition of the Office of the  
22     Secretary of State?

23          A.     Yes.

24          Q.     Have you seen this document before?

25          A.     I don't believe so.

1 Q. Okay. So let me jump to the topics. And  
2 you were designated on two topics, topics 12 and  
3 18. Do you see topic 12 up here?

4 A. I do.

5 Q. And it's:

6 "Communications with the U.S.  
7 Election Assistance Commission  
8 regarding any software changes  
9 involving Georgia's current election  
10 system or otherwise relating to any  
11 actual or contemplated request for  
12 E.A.C. approval for any aspect of  
13 Georgia's current election system."

14 And am I right that you're designated to  
15 testify on behalf of the Secretary's office on that  
16 topic today?

17 A. That's correct.

18 Q. What did you do to prepare yourself to  
19 testify on that topic?

20 A. I spoke with counsel and just went through  
21 my memory and recollection about communications  
22 with the E.A.C.

23 Q. Did you speak with anyone other than  
24 counsel for this topic?

25 A. No.

1           Q.    Did you review any documents to prepare  
2           for this topic?

3           A.    I reviewed a lot of documents in preparing  
4           for the deposition, some of them -- some of them  
5           may touched -- have touched on this topic, but.

6           Q.    Are there any specific documents that come  
7           to mind that you reviewed that concern this topic?

8           A.    I don't believe so.  Not -- no, not  
9           specifically.

10          Q.    Okay.  So you're relying on your own  
11          personal, I think you said memory or recollection  
12          for this topic; is that right?

13          A.    Yes.

14          Q.    Okay.  Has there been any discussion at  
15          the Secretary's office about replacing the current  
16          B.M.D. system with one that does not use Q.R.  
17          codes?

18          A.    Well, I left the Secretary of State's  
19          office in May of this year, so I'm not familiar  
20          with any communication or any discussion that's  
21          taken place since then.

22                    I don't believe I'm aware of any  
23          discussion about replacing the B.M.D. system for  
24          any other system in the time that I was there.

25          Q.    And you didn't speak to anyone in

1 preparation for today to determine whether that's  
2 been discussed since you left?

3 A. Correct.

4 Q. What software changes -- well, strike  
5 that.

6 What actual or contemplated requests for  
7 E.A.C. approval were considered at the Secretary's  
8 office while you were there regarding the current  
9 system, if any?

10 A. I know there was -- there was one issue  
11 that came up that had to do I think with how  
12 ballots were displayed. They needed a change in  
13 the -- in the software. And that was done.

14 I didn't really have anything to do with  
15 the technical aspects of it that I -- I believe  
16 that's the only instance where this came up that  
17 I'm aware of.

18 Q. And that came up in the sort of late  
19 September or early October time frame of 2020; is  
20 that right?

21 A. That seems about right, yes.

22 Q. Who handled the communications with the  
23 E.A.C. on that for the Secretary's office?

24 A. I believe that the vendor Dominion  
25 communicated with the E.A.C. primarily.

1 I had I think one phone call with Mona  
2 Harrington, who's the executive director at the  
3 E.A.C. I believe it was for her to let me know  
4 that it was -- it had been approved or it was in  
5 the process of being approved or something like  
6 that. But we didn't discuss the software itself or  
7 the changes, just kind of the process.

8 Q. Do you recall that there was a  
9 determination made regarding that change that it  
10 was what's considered a de minimis software change?

11 A. That's my recollection, yes.

12 Q. Who made that determination?

13 A. I believe that would have been the E.A.C.

14 Q. And what's the basis for your belief that  
15 the E.A.C. made that determination rather than  
16 Dominion or the Secretary's office?

17 A. Well, my understanding was that the E.A.C.  
18 had to -- I'm getting some weird display on my  
19 computer. I don't know if -- okay. It stopped.  
20 It was buzzing or flipping around.

21 My understanding of the process was that  
22 the vendor would submit the change, and if it were  
23 a de minimis change, it would be approved by the  
24 E.A.C. And as it was approved by the E.A.C. in  
25 pretty short order, I believe that's my

1 understanding, that it was a de minimis change.

2 Q. But didn't Dominion or the Secretary's  
3 office reach their own belief that it was a  
4 de minimis change before it went in to the E.A.C.?

5 A. I believe that was the position of the  
6 Secretary of State's office, that they were  
7 characterizing it as a de minimis change, and that  
8 ultimately the E.A.C. would have to make that  
9 determination.

10 Q. Who at the Secretary's office made that  
11 determination before the E.A.C.?

12 A. I'm not sure who or if anybody made the --  
13 made a final determination on whether it was a  
14 de minimus change.

15 Q. Well, whether final or not, who at the  
16 Secretary's office arrived at the opinion that it  
17 was a de minimus change before the E.A.C. concluded  
18 that?

19 A. I don't know.

20 Q. What was the process at the Secretary's  
21 office for arriving at that position?

22 A. I don't know.

23 Q. Who would you ask if you wanted to know?

24 A. I'd probably ask either the secretary or  
25 the head of the I.T. department, Merritt Beaver,

1 possibly Ryan Germany, general counsel.

2 Q. Okay.

3 A. And just I've lost the bottom half of my  
4 screen, so I can't see -- I can't see half the  
5 bottom of the screen. I don't know what happened.  
6 Let me see if I can change the view, hold on, to  
7 see if that changes it.

8 Well, no, I don't seem to be able to  
9 change it. I don't know if it happened when the --  
10 when you put the exhibit up, but. But anyway, I  
11 can't see Mr. Cross on the screen, which is a  
12 little unusual.

13 Q. You want to go off the record?

14 THE VIDEOGRAPHER: We can go off the  
15 record. The time is 8:49 a.m. We're off  
16 the record.

17 (Whereupon, a discussion ensued  
18 off the record.)

19 (Whereupon, there was a brief  
20 recess.)

21 THE VIDEOGRAPHER: The time is 8:55  
22 a.m. We're on the record.

23 BY MR. CROSS:

24 Q. So Mr. Harvey, do you have Exhibit 1 up in  
25 front of you now?

1           A.    Is it -- is it on the exhibit list or is  
2           it on the Zoom screen?

3           Q.    It'll be on the Exhibit Share.

4           A.    Yeah. Okay. Give me one second. Exhibit  
5           1. Okay. I have it up now.

6           Q.    Okay. Also, I don't know if it's just me,  
7           but your audio seems quieter than it was before.  
8           Are you guys using a different mike?

9           A.    No. I don't think so.

10           MR. RUSSO: No.

11           BY MR. CROSS:

12           Q.    Oh. All right. I think you're just going  
13           to have to keep your voice up, Mr. Harvey.

14           A.    Okay.

15           Q.    All right. So I'm sorry, did you say you  
16           have Exhibit 1 up in front of you now?

17           A.    I do.

18           Q.    Okay. All right. So we were talking a  
19           little bit about topic 12. Are you -- are you  
20           aware of any discussion or consideration at the  
21           Secretary's office of any possible changes to the  
22           current B.M.D. system beyond the one we talked  
23           about in the fall of 2020?

24           A.    No.

25           Q.    So no discussion or consideration of using



1 hand-marked paper ballots, for example, as a  
2 primary means of voting?

3 A. Again, when I -- when I left the Secretary  
4 of State's office earlier this year, I was not  
5 aware of any discussions. I'm not aware of any  
6 discussions since then.

7 Q. Okay. If you wanted to know whether there  
8 have been consideration or discussions at the  
9 Secretary's office about potential changes to the  
10 current B.M.D. system, who would you ask?

11 A. I'd probably ask either Blake Evans, who's  
12 the current election director, or possibly Gabriel  
13 Sterling in the office also.

14 Q. And Blake Evans took over in your position  
15 after you left; is that right?

16 A. That's correct.

17 Q. Did he report to you before you left?

18 A. He did. He was the deputy when I was the  
19 director.

20 Q. Do you know why the Secretary's office  
21 picked a Q.R. code system rather than one that  
22 tabulates human readable text for the election  
23 system?

24 A. I don't.

25 Q. Who would you ask if you wanted to know

1 the answer to that question?

2 A. Well, ultimately, the decision was made by  
3 the Secretary. I know there was a committee that  
4 was evaluating the systems. I was not part of that  
5 committee. I don't know if they offered  
6 recommendations or advice, but ultimately, it was  
7 the Secretary that made the decision.

8 Q. So if you wanted to understand why and how  
9 that decision was made, is the Secretary the person  
10 you would turn to for that?

11 A. For an ultimate answer, yes. But I  
12 suspect that the members of his, you know, close  
13 advisors would have been part of that process.  
14 Ryan Germany, Gabriel Sterling, Jordan Fuchs  
15 probably -- I suspect had conversations. I didn't  
16 have any conversations with them about that.

17 Q. Did anyone in the Secretary's office ever  
18 raise a concern about using Q.R. codes rather than  
19 human readable text to tabulate ballots?

20 A. Did anyone in the -- so member within the  
21 Secretary of State's office?

22 Q. Yes.

23 A. Okay. I don't believe so. I know in  
24 the -- when, actually, when -- before even  
25 Secretary Raffensperger took office, when we had

1       started with the S.A.F.E. Commission, there were  
2       discussions with the S.A.F.E. Commission in the  
3       office about different kinds of systems and pros  
4       and cons. But I don't believe anyone in the  
5       Secretary's office raised objections once the  
6       system was decided on.

7           Q.     Were there concerns raised on that issue  
8       before that system was decided on in the  
9       Secretary's office?

10          A.     Like I said, there were discussions about  
11       it. There were, you know, pros and cons. There  
12       were pros and cons of hand-marked versus B.M.D.s  
13       versus D.R.E.s. So people spoke about, like I  
14       said, the pros and cons of the system.

15                So I, I believe that, you know, somebody  
16       would have, you know, raised a question or said,  
17       hey, with this you get this, but you also get that.  
18       But I can't think of any specific persistent  
19       objections that came about a Q.R. code.

20          Q.     What were the cons that came up in any  
21       discussion regarding the current system?

22                MR. RUSSO: Object to form.

23                THE WITNESS: I think with the  
24       current system -- again, are we talking  
25       before the decision on the current system

1 or since the current system?

2 BY MR. CROSS:

3 Q. Either. At any point that it's been  
4 discussed in the Secretary's office.

5 A. Well, I think that the one -- one of the  
6 issues about the system is that it's sort of, in a  
7 word, it's sort of bulky. You've got, you know,  
8 multiple components. You've got wires. You've  
9 got -- it takes up a fair amount of space.

10 I don't think there was any concern with  
11 the -- with the way it operated. I think people  
12 liked its operation and its user friendliness and  
13 things like that.

14 But it seems like the most common  
15 objection or issue we had to work around was the  
16 fact that it had, you know, what, five or six  
17 different pieces to it for every voting station.

18 We had maybe three or four, not -- maybe  
19 not five or six. But you had the B.M.D. You had  
20 the printer. You had the external power source.  
21 You had cables connecting that stuff. You had  
22 boxes to transport it back and forth in,  
23 safekeeping storage. Those kinds of things were  
24 sort of concerns or issues we had to work around.

25 Q. You mentioned the S.A.F.E. Commission a

1 moment ago. Are you familiar with Wenke Lee, who  
2 was the only cybersecurity expert who served on  
3 that commission?

4 A. I'm familiar with him. I don't, certainly  
5 don't know him personally. But I spoke with him  
6 and heard him speak at S.A.F.E. Commission  
7 meetings.

8 Q. And do you recall that Wenke Lee objected  
9 to the State adopting a B.M.D. system?

10 A. I --

11 MR. RUSSO: Object to form. Object,  
12 excuse me, object to the form of the  
13 question. Lacks foundation.

14 THE WITNESS: I do remember.

15 BY MR. CROSS:

16 Q. Okay. In fact, he was vocal in saying  
17 that hand-marked paper ballots as a primary voting  
18 system would be the best, safest system for the  
19 State; right?

20 MR. RUSSO: Object to form.

21 THE WITNESS: I believe that's  
22 correct. I know he -- I don't remember  
23 exactly what his position was on  
24 everything, but I know that he was a  
25 proponent of hand-marked paper ballots.

1 BY MR. CROSS:

2 Q. Do you know why the Secretary selected an  
3 election system that the sole cybersecurity advisor  
4 he put on his commission objected to?

5 MR. RUSSO: Object to the form of the  
6 question.

7 THE WITNESS: I don't know why the  
8 Secretary chose that voting system.

9 BY MR. CROSS:

10 Q. Who would you ask if you wanted to know  
11 why the Secretary chose an election system that his  
12 only cybersecurity advisor objected to?

13 MR. RUSSO: Object to the form of the  
14 question.

15 THE WITNESS: Well, I would clarify  
16 that the Secretary, then-Secretary Kemp  
17 convened the S.A.F.E. Commission and  
18 appointed the members, and Secretary  
19 Raffensperger sort of inherited the work  
20 that they did.

21 So I don't think that Mr. Lee was  
22 Secretary Raffensperger's cybersecurity  
23 expert, but -- I mean, I think you'd have  
24 to ask the person that made the decision.

25 BY MR. CROSS:

1           Q.    Okay. All right. That's a fair point on  
2           the chronology. But when you say "ask the person  
3           that made the decision," is that Secretary  
4           Raffensperger?

5           A.    I think so.

6           Q.    Okay. What cybersecurity experts, if any,  
7           does Secretary Raffensperger rely on for evaluating  
8           the security of the election system?

9                   MR. RUSSO: Object to the form of the  
10           question. Lacks foundation.

11                   THE WITNESS: Well, I know the  
12           primary office point of contact, and I  
13           assume this is the same, again, since I  
14           left, I'm not sure, but Merritt Beaver was  
15           our C.I.O., and he sort of coordinated  
16           multiple groups and people and  
17           cybersecurity defenses.

18                   I know that we worked with Department  
19           of Homeland Security. I know we worked  
20           with a company called Fortalice. And I  
21           think he had some other individuals that  
22           he could bring in for specific issues or  
23           concerns or questions.

24           BY MR. CROSS:

25           Q.    Who were those individuals?

1           A.    I don't know who they are. I don't know  
2           their names. And I'm not sure if -- I know there  
3           were some people that would come in and be in on  
4           meetings, and I'm not sure if they were with  
5           Fortalice or they were -- they were other people.  
6           They may have been with Fortalice.

7           Q.    Are you aware of any forensic examination  
8           of any of the voting equipment that's currently  
9           used in Georgia to determine whether it's been  
10          compromised by malware or in any other way?

11          A.    I know there was an examination of I want  
12          to say five or six counties that was done after the  
13          2020 election to confirm that the software hadn't  
14          been manipulated or changed. So I'm aware that  
15          that's been done.

16          Q.    Describe that for me, if you would,  
17          please.

18          A.    Well, I just know it was done. I wasn't  
19          part of planning it. But I know that, again, there  
20          were a handful of counties, I want to say five or  
21          six counties, that were selected, and I believe it  
22          was Pro V&V came in and randomly selected voting  
23          equipment, checked the software configuration, made  
24          sure nothing had been changed, and reported back  
25          that, in all their examinations, they didn't find



1 any differences.

2 Q. If you wanted to learn the details of what  
3 was done in that examination, who would you ask?

4 A. I'd probably ask Jordan Fuchs.

5 Q. And do you know, for that examination, did  
6 Pro V&V look at the hash values on the equipment?

7 MR. RUSSO: Object. He's testified  
8 he wasn't involved and didn't know  
9 anything about it.

10 MR. CROSS: If he doesn't know, he  
11 can say he doesn't know.

12 BY MR. CROSS:

13 Q. If you don't know --

14 A. I don't know. I don't know exactly what  
15 they did.

16 Q. Okay. All right. That's fine. I just  
17 wanted to see if there was any details you had.

18 Okay. To the software change in the fall  
19 of 2020 we mentioned before, did the E.A.C. express  
20 any concerns about that?

21 A. Not that I'm aware of.

22 Q. Okay. All right. If you can scroll down  
23 to topic 18. It's on -- oh, there are no page  
24 numbers on this. Sorry. It's the last topic in  
25 Exhibit 1, and just let me know if you need help.

1           A.     Okay.

2           Q.     Do you have that in front of you,  
3     Mr. Harvey?

4           A.     I do.

5           Q.     Okay. And do you see the topic here is,  
6     the Secretary's office -- "your" refers to the  
7     Secretary's office:

8                     [As read] "The Secretary's  
9                     office's process for preserving  
10                    information within your possession,  
11                    custody or control potentially  
12                    relevant for this matter, including  
13                    any communications with counties or  
14                    other entities or individuals  
15                    regarding the same."

16                   Do you see that?

17          A.     Yes, sir, I do.

18          Q.     And do you understand you were designated  
19     to testify on that topic as well?

20          A.     Yes.

21          Q.     Okay. What did you do to prepare for that  
22     topic?

23          A.     I spoke with counsel. I reviewed a couple  
24     of E-mails on this topic and sort of searched my  
25     memory for any relevant information.

1 Q. Did you speak with anyone other than  
2 counsel?

3 A. No.

4 Q. Okay. What were the documents that you  
5 reviewed on this topic?

6 A. There were a series of E-mails that were  
7 centered I believe around the, right before the  
8 election where there was the suspicion of the  
9 hacking of ENet I think E-mails.

10 It may have been you or another attorney  
11 for the plaintiffs contacting John Salter, and then  
12 I think Ryan Germany got involved, and essentially  
13 demanding that all documents be preserved.

14 Q. Are you talking about the 2018 elections?

15 A. I think so.

16 Q. Okay. You're talking about the situation  
17 when then-Secretary Kemp announced that the  
18 Democratic Party of Georgia had attempted to hack  
19 some aspect of the election system in Georgia; is  
20 that the incident you're talking about?

21 MR. RUSSO: Object to form.

22 THE WITNESS: I believe that's the  
23 incident, yes.

24 BY MR. CROSS:

25 Q. Okay. And that was when Secretary Kemp

1       was running against Stacey Abrams for governor,  
2       that's the election we're talking about; right?

3           A.     Yes.

4           Q.     Okay. Are there any other documents you  
5       reviewed for topic 18?

6           A.     I don't believe so.

7           Q.     Did the Secretary's office when this  
8       lawsuit was first filed send out written  
9       communication internally to employees to preserve  
10      documents potentially relevant for it?

11          A.     Yes.

12          Q.     And is that -- have those communications  
13      been updated as this litigation has gone through  
14      amended complaints, for example, adding the B.M.D.  
15      claims?

16          A.     I know that there -- over the -- over the  
17      years there have been several "hold for litigation"  
18      notices that have been sent out. I can't say  
19      specifically what was connected to which case, but  
20      it's -- so, so that's the best I can do on that.

21          Q.     So let me just ask you broadly. What  
22      steps has the Secretary's office taken to preserve  
23      information potentially relevant to this case?

24          A.     Well, like I said, we sent out -- or I  
25      think Ryan Germany sent out an E-mail to all

1 employees telling them to save everything, don't  
2 delete anything, don't throw anything away.

3 And we also sent out, I believe I sent out  
4 information to the counties telling them, just  
5 basically repeating the same information, that  
6 there's pending litigation, preserve records. And  
7 that's basically been it, noticing people that  
8 these -- this requirement is in place.

9 Q. Does the Secretary's office have any  
10 automated deletion, for example, E-mails that are  
11 older than a certain period?

12 A. I know that every E-mail is preserved for  
13 at least five years. I don't know if there's an  
14 auto deleting or auto archiving after five years,  
15 but my understanding talking with Merritt Beaver is  
16 that everything is saved for five years.

17 Q. What efforts were taken to ensure that  
18 nothing was deleted that's potentially relevant to  
19 this case, if any?

20 A. Well, again, sending out the -- sending  
21 out the notification to all the employees. And I  
22 know that I personally told employees from time to  
23 time in the elections division to preserve all  
24 their records, don't delete E-mails.

25 And so it was -- you know, we essentially

1       faced, you know, so much litigation for the last,  
2       you know, six or seven years that pretty much  
3       everything was covered by a "do not destroy" order  
4       of one form or another. So it just didn't -- we  
5       just didn't destroy stuff.

6           Q.    When you were in the office, did you --  
7       where did you tend to save files related to your  
8       work? Was it, like, on a server or a laptop? A  
9       desktop?

10          A.    We had a --

11          Q.    Some form of media?

12          A.    We had a -- each person had a server on  
13       the system, and so everyone had their own drive on  
14       the server. But I also saved some stuff on my  
15       laptop. But most of the stuff I put on the server,  
16       on the server drive just because it was easier to  
17       access from anywhere else.

18               And then E-mails were -- E-mails were  
19       stored on a server so, you know, "in" boxes  
20       wouldn't fill up and things like that.

21          Q.    Do you know whether the personal drives on  
22       the Secretary's servers were searched for documents  
23       and produced in this case?

24          A.    I don't know.

25          Q.    If you wanted to know, who would you ask?

1           A.     I would probably ask Merritt Beaver or  
2     Ryan Germany. We've had a -- the Secretary's  
3     office had a series of different open records  
4     custodians or officers who were responsible for  
5     gathering that stuff, and so there hasn't been a  
6     single person that has, you know, been there for,  
7     you know, ten years that has handled all these open  
8     record requests.

9           I believe Merritt Beaver or somebody on  
10    his team did all the electronic storage. I know  
11    they would do, like, search for E-mails and things  
12    like that. But Ryan Germany and Merritt Beaver  
13    would be the two people who would know most about  
14    that.

15          Q.    You said you personally communicated to  
16    counties to preserve information potentially  
17    relevant for this case. What did you communicate  
18    to them?

19          A.    I'm sorry. Say -- I didn't hear that last  
20    part.

21          Q.    Oh, sorry. You said you communicated to  
22    counties to preserve information potentially  
23    relevant to litigation. What exactly did you  
24    communicate to the counties to preserve?

25          A.    I sent out a Buzz post to all the

1        counties. You know, The Buzz was the sort of  
2        election bulletin board or communication center  
3        where messages could be sent back and forth to post  
4        things like that.

5                And I sent out a message that was either  
6        very similar or identical to what Ryan Germany had  
7        sent out to our office and then would from time to  
8        time remind them, and actually would have  
9        counties -- and I know counties were aware of it,  
10       because occasionally they would call or they would  
11       ask me questions about, hey, you know, we know  
12       we've got to save everything, but we need to do  
13       this for a new election or we need more space, can  
14       we do this.

15               And my response would always be, look, the  
16       order stands, you've got to -- you've got to  
17       preserve stuff in accordance with this litigation.

18               Q.    What were the -- what was conveyed to the  
19       counties and individuals at the Secretary's office  
20       about preserving data coming out of elections, if  
21       anything? What were they told?

22               A.    Data coming out of elections, what do you  
23       mean by "data coming out of elections"?

24               Q.    So good question. So things like ballot  
25       images, tabulation data, you know, the data that's



1 generated when elections occur, what were -- what  
2 was the directive internal to the Secretary's  
3 office and to counties, if anything, on preserving  
4 data regarding elections that take place?

5 A. I think that's covered by law and S.E.B.  
6 rules about how long that has to be preserved. So  
7 I think, generally speaking, the -- it would have  
8 been to act consistently with either law or S.E.B.  
9 rule.

10 Q. Is that the same for ballot images  
11 generated in elections?

12 A. I believe so.

13 Q. Is that the same for paper ballots?

14 A. No. Paper ballots have to be saved, I  
15 believe it's -- I believe it's a two-year  
16 requirement for preserving paper ballots, but I'd  
17 certainly defer to what the law says. I'm going on  
18 memory for paper ballots. But generally, elections  
19 records have to be kept for two years.

20 Q. What steps were taken, if any, to avoid  
21 overwriting election data on B.M.D.s, scanners,  
22 printers or removal media used in elections?

23 A. Well, in some cases they could get new  
24 media if they wanted to not overwrite it. In some  
25 cases they may not have a choice but to overwrite

1       it if it was -- if they were acting in conformance  
2       with the law.

3           Q.     Who would make the decision whether to  
4       overwrite the data during the pendency of this  
5       litigation?

6           A.     Well, ultimately, a County would. They  
7       would sometimes, you know, call and ask me, you  
8       know, can I do this, should I do this. And I  
9       would -- my stock response was, look, here's what  
10      the law says, you've got to make a determination,  
11      talk with your county attorney. That was -- those  
12      would generally be the conversations.

13          Q.     Did you ever tell any counties that they  
14      could not overwrite election data while this case  
15      is pending because of preservation obligations for  
16      the case, separate and apart from whatever the  
17      statutory requirements are for election data?

18          A.     Ask the first part of that question again.

19          Q.     Sure. When counties came to you and asked  
20      whether they could overwrite election data since  
21      this lawsuit has been pending, did you ever tell  
22      any that they could not because of the preservation  
23      obligations in this case?

24          A.     I don't think I did.

25          Q.     Okay. You mentioned before an examination

1       that was done in five to six counties of election  
2       equipment. Was that done in 2020?

3           A.     It was done -- it was done after the  
4       November of 2020 election. Whether it was done --  
5       I believe it was done at the end of 2020. It may  
6       have gone over into 2021, but I don't think so. I  
7       think it was -- I think it was done in 2020.

8           Q.     Okay. Do you know whether there was any  
9       kind of written report generated on that?

10          A.     I believe I may have seen one, but I'm not  
11       sure.

12          Q.     Okay. All right. Mr. Harvey, if you can  
13       go back to Exhibit Share and pull up Exhibit 2.

14                               (Whereupon, Plaintiff's  
15                               Exhibit 2 was marked for  
16                               identification.)

17       BY MR. CROSS:

18          Q.     And that should be a copy of your LinkedIn  
19       profile. And just let me know when you've got  
20       that.

21          A.     I've got it.

22          Q.     And you can scroll through it. Does this  
23       look to be a fair and accurate copy of your  
24       LinkedIn profile?

25          A.     Yes.

1 Q. Okay. And does this generally capture  
2 your education and work experience over the years?

3 A. Yeah. There are a couple things that  
4 aren't on there, but generally, yes.

5 Q. What's not on here that you would add?

6 A. Well, for example, I took -- I think I  
7 took about 12 hours of education courses between --  
8 before I started teaching high school, I was  
9 teaching at a private high school, and there was an  
10 exemption where if you took X number of classes.

11 So I took some classes at the College of  
12 Charleston, not in any degree program, but  
13 basically to get a waiver of having a teaching  
14 issue -- or a teaching certificate, I guess.

15 That's, I mean, that's pretty much it. I  
16 worked, I mean, I worked a couple odd jobs between  
17 teaching and starting at the police department, you  
18 know, kind of part-time things, but nothing of any  
19 consequence.

20 Q. I see that you taught at B.E. for a couple  
21 years?

22 A. I did.

23 Q. Probably taught some of my friends there.  
24 They certainly could have used some morality  
25 teaching back then.

1           A.    I would -- I would also point out, I  
2           guess, I don't know whether it's a big thing or  
3           not, but between graduating from the Citadel and  
4           teaching at Bishop England, part of that time at  
5           the Catholic University of America, I also -- that  
6           was part of three years in a Catholic seminary  
7           formation program, again, not -- just because it  
8           was sort of a part of my life, doesn't really have  
9           any bearing on what we're talking about now, but  
10          didn't want to think I was hiding that. I just  
11          didn't think that was really relevant for a  
12          LinkedIn profile.

13          Q.    Okay. Got it.

14                So when exactly did you leave the  
15          Secretary's office?

16          A.    My last day in the office I think was the  
17          end of May, and then I took basically vacation  
18          through the month of June, and then I started with  
19          P.O.S.T. on the first of July.

20          Q.    Okay. Why did you leave the Secretary's  
21          office?

22          A.    Different reasons. I had a great  
23          opportunity to go work at P.O.S.T. You know,  
24          frankly, the grind of elections was, you know,  
25          after six years was taking its toll. And you know,

1 my -- you can tell most of my career has been in  
2 law enforcement, and that's where I've, you know,  
3 frankly, been the most comfortable and feel like  
4 I've got the widest knowledge base.

5 And so that opportunity came up -- came up  
6 to work at P.O.S.T. and work on things like  
7 professional development, professional standards,  
8 improving police officer standards in Georgia. And  
9 I thought it was a -- it was a great opportunity to  
10 kind of get back to my roots.

11 Q. Was it your decision to leave the  
12 Secretary's office?

13 A. 100 percent.

14 Q. And would you say you resigned or how  
15 would you characterize your departure?

16 A. Yeah, I would say I resigned. I spoke  
17 with Jordan Fuchs, the Deputy Secretary, and told  
18 her that I was planning on leaving. And I  
19 submitted a former [sic] letter of resignation  
20 sometime after that.

21 But I told her in I want to say early May  
22 that I was -- what I'd like to do, that I'd like to  
23 leave at the end of May and would be happy to work  
24 on any type of transition or bringing in new people  
25 or whatever else they wanted to do in the meantime.

1                   But it became -- I think -- I think we  
2                   announced it or they announced it, like, the last  
3                   week of May.

4                   Q.     Did you work much with David Hamilton, the  
5                   former C.I.S.O. at the Secretary's office when you  
6                   were there?

7                   A.     I didn't work a lot with him. He's one of  
8                   the people that I mentioned that whose name I  
9                   couldn't recall on some cyber issues. I wouldn't  
10                  say I worked a lot with him, but I was on several  
11                  calls with him and Merritt if an issue or a  
12                  question came up, but I wouldn't say a lot.

13                  (Whereupon, Ms. Shocair Ali joined  
14                  the deposition.)

15                  BY MR. CROSS:

16                  Q.     Did you work much with James Oliver, the  
17                  former security manager at the Secretary's office?

18                  A.     He was there for a long time when I was  
19                  there. I didn't really interact with him very  
20                  much.

21                  Q.     Does it -- does it strike you as unusual  
22                  that, in the span of about a year or so, you as the  
23                  elections director, the C.I.S.O. and the security  
24                  manager all left the Secretary's office?

25                  A.     I don't know anything about the

1       circumstances of the other folks leaving. I know I  
2       left, and I really couldn't begin to speculate as  
3       to why somebody else left or what kind of  
4       conclusions or inferences somebody might draw from  
5       them.

6           Q.     Did you have any concerns, personal  
7       concerns, about any of the conduct at the  
8       Secretary's office before or when you left?

9           A.     What do you mean "conduct"?

10          Q.     Any concerns, anything that you thought,  
11       well, you know, should have been handled  
12       differently or someone didn't act in the way that  
13       you thought that they should act?

14          A.     Well, I mean, there were things that I  
15       might have done differently. But there was --  
16       there wasn't -- there wasn't anything that offended  
17       my conscience or anything that I thought was wrong  
18       or improper or illegal or anything like that.

19                You know, in any organization you're going  
20       to have people who have to make decisions and do  
21       things a certain way. And again, I may have done  
22       things differently, but my leaving wasn't a  
23       repudiation or wasn't a washing my hands or  
24       anything of the -- of the office.

25                I thought Secretary Raffensperger was very



1       honorable in the post-November election period. I  
2       didn't have a lot of contact with him after that.  
3       But no, there was -- there was no crisis of  
4       conscience or anything like that that had anything  
5       to do with my leaving.

6             Q.     What would you have done differently?

7             A.     I probably would have communicated a  
8       little bit more. I found when we had staff  
9       meetings and meetings of critical people in the  
10      elections world and we sat around a table, we  
11      tended to get a lot done.

12            We tended to see new things, hear new  
13      perspectives, hear consideration or a blind spot  
14      that maybe somebody wouldn't have. And when that  
15      happened, it was helpful, but that didn't happen  
16      very often.

17            And so I think communication could have  
18      been done better. But you know, I understand  
19      everybody's trying to do a lot of things, and it  
20      was a very chaotic time. And you know, that's,  
21      again, that's just one thing that I would have done  
22      maybe a little bit differently.

23            Q.     Anything else that comes to mind?

24            A.     I don't think so. Again, you know, any  
25      number of things that you could do different in the

1 course of a year or so just in terms of  
2 communication.

3 I'm a big -- I'm a big fan of  
4 communication. I think -- I think there's a lot to  
5 be -- you know, some people think sitting around a  
6 table in a meeting is a waste of time if you don't  
7 have a, you know, a six point agenda.

8 And while I don't like, you know, endless  
9 meetings for the sake of meetings, I think there's  
10 a lot of information that can get exchanged that  
11 way, and that just wasn't how they operated.

12 Q. Okay. Who at the Secretary's office was  
13 ultimately responsible for security of the  
14 elections system?

15 A. Well, in a -- in a big picture, again, it  
16 would -- it would be the Secretary. But of course,  
17 he hired people to help him with that. I don't  
18 know that there would be one single individual. I  
19 don't think we looked at it as a -- as a one  
20 person.

21 I know on the -- on the cyber network  
22 front, Merritt Beaver and his team clearly were the  
23 number one line of defense. From the -- from the  
24 County point of view, I was probably the first line  
25 of defense.

1           You know, we had 159 counties with 159  
2       levels of experience and interest and knowledge and  
3       courage, I mean, all these different factors. And  
4       you know, any one of those could have been a weak  
5       point.

6           And so my primary job was to keep them  
7       informed and to get them information, to try to  
8       answer their questions as best I could, to try to  
9       help them adapt to a very, very fluid and chaotic  
10      election year and election circumstances.

11          You know, we had our training officer at  
12      the time was, for most of the time was Bree Thomas,  
13      and she also sort of worked on that front in terms  
14      of making sure they knew how to do everything.

15          You know, we got -- we got C.I.S.A.  
16      involved in doing physical security evaluations on  
17      all the county sites. I say "all." I think, not  
18      all 159, I think we may have stopped just a couple  
19      short. We got all the counties involved in  
20      EI-ISAC, got them signed up as members for that.

21          And then you had, you know, Michael Barnes  
22      and his team who, you know, built databases and got  
23      that information to the counties. And so you had  
24      at least three -- at least three groups who were  
25      all working together and in concert with each other

1 to try to keep the election system secure.

2 And then in addition you had, it largely  
3 fell to Merritt and his team, but you had our ENet  
4 system manager, who didn't so much focus on  
5 security but would be one of the first people that  
6 would -- that would be alerted to or reported to if  
7 there was some -- anything with the system that  
8 would -- that looked unusual or needed to be  
9 addressed, and he would go immediately to Merritt.

10 Q. All right. Grab Exhibit 4, if you would.  
11 Skip over Exhibit 3. I accidentally put the wrong  
12 one up there. We'll come back to three later.

13 (Whereupon, Plaintiff's  
14 Exhibit 4 was marked for  
15 identification.)

16 THE WITNESS: I don't see Exhibit 4.

17 BY MR. CROSS:

18 Q. If you -- sometimes you have to refresh.  
19 It should be there.

20 A. All right. There it is.

21 Q. All right. So if you look at Exhibit 4,  
22 you'll see that the most recent E-mail here is one  
23 that you sent to Frances Watson on November 6th of  
24 2020?

25 A. It didn't get -- I just lost it. Let me

1 get it back. I --

2 Q. Okay.

3 A. I hit a button instead of scrolling.

4 Okay. I see the E-mail.

5 Q. And so this is an E-mail that you sent to  
6 Ms. Watson on November 6th of 2020; right?

7 A. Yes, it is.

8 Q. Okay. And you're responding to an E-mail  
9 that she sent to you and Mr. Germany the day  
10 before. Do you see that in the middle of the page?

11 A. Give me a second to read it, because I  
12 don't --

13 Q. Sure. Yeah. Go ahead.

14 (Whereupon, the document was  
15 reviewed by the witness.)

16 THE WITNESS: Okay. I've read it.

17 BY MR. CROSS:

18 Q. And so you see that you were responding to  
19 an E-mail that she sent you the day before?

20 A. I think -- the way I see it is I forwarded  
21 that to her. I think this came in on the -- on one  
22 of the complaint "in" boxes and I saw it, looks  
23 like I saw it on the 6th and I sent it to her.

24 Oh, no, I see. I do -- I do see she  
25 gets -- I do see she gets it. Okay. Okay. I'm

1 clear now. I got it.

2 Q. Okay. And so you said this came in to one  
3 of the complaint "in" boxes. What are you -- what  
4 are you referring to there?

5 A. Well, I believe that was -- that was the  
6 case. There were I think two -- or there were a  
7 number of ways you could send complaints to  
8 Secretary of State's office, but the most common --  
9 the two most common were click-on links on the Web  
10 site, and you would come to either the elections, I  
11 think it's elections complaints or complaints  
12 elections or something like that, and that would  
13 come to the elections office.

14 And the idea was that that's where people  
15 would contact the elections folks about more sort  
16 of election process questions or issues.

17 And then there was another one, I think it  
18 was a Stop Voter Fraud, where you would generally  
19 send complaints about this kinds of things or  
20 illegal activity or allegations or something like  
21 that. But sometimes those got -- people just, they  
22 found a link and they'd send an E-mail regardless  
23 of what the issue was.

24 So looking at the format, like, how the  
25 Laura Jones and how all that stuff is lined up like

1       that, that's typically how it would look. When  
2       somebody went in to read the E-mails that had come  
3       in, that's how it would come up on your screen.

4               So what I'm thinking is that the Frances  
5       Watson went in to her E-mail box or this complaint  
6       E-mail box, saw this and forwarded it to us is how  
7       I'm -- I mean, I -- maybe somebody could have sent  
8       it to her, but I don't see an indication that  
9       somebody mailed it specifically to her. But in any  
10      event, she got it and she was forwarding it to us.

11       Q.    Okay. Do you know what steps, if any,  
12      were taken to preserve potentially relevant  
13      communications in those "in" boxes that you just  
14      described to me?

15       A.    I mean, they're covered under the same  
16      protocol that the rest of the E-mail system is, to  
17      the best of my knowledge. I mean, Merritt Beaver,  
18      those are all -- those are all on the Secretary of  
19      State's servers like everything else.

20       Q.    Okay. Do you know if there were specific  
21      steps taken by anyone to preserve relevant E-mails  
22      in those "in" boxes, like, somebody went through,  
23      made sure that those weren't getting deleted by  
24      anyone after this litigation was filed?

25       A.    I don't know specifically that somebody

1 did that.

2 Q. Who would you ask to find out if someone  
3 did that?

4 A. Either Merritt Beaver or Ryan Germany.

5 Q. If you look at the one that come -- oh,  
6 and sorry, Frances Watson, her title here is chief  
7 investigator, investigative divisions from the  
8 Georgia Secretary of State.

9 What was her role generally?

10 A. Well, she was the -- she was the chief  
11 investigator. And she would get anything that was  
12 going to be investigated. You know, some of the  
13 complaints that came in would be, like, a county  
14 performance issue or a process issue that we could  
15 address with the County.

16 So if it was -- it was something along  
17 those lines, then the elections team would  
18 generally handle it. Either I'd call or the  
19 liaison or somebody would call the County and say,  
20 hey, you know, you've got to do this or you should  
21 have done that.

22 But if it was something that was more  
23 along the lines of a violation or something that  
24 the State Election Board would possibly consider  
25 sanctioning for, then it was Frances's job to take



1       those complaints, evaluate them, assign them to an  
2       investigator, who would then do a full  
3       investigation and would gather whatever evidence,  
4       statements, documents that would be pertinent to  
5       the investigation.

6           Q.     And did her, the scope of her  
7       responsibilities and the folks that she oversaw,  
8       did that include any issues that arose that might  
9       implicate security of the election system?

10          A.     It certainly could, yeah. I mean, the --  
11       I mean, this one, for example, I would say is a  
12       security concern. So yeah, they would -- they  
13       would investigate pretty much anything that wasn't  
14       able to be sort of resolved by talking to a County  
15       about a process.

16                 But whether it was a security concern or a  
17       significant performance concern like, you know,  
18       let's say a county wasn't giving out provisional  
19       ballots to people, that would be something that,  
20       you know, in that case we would call them and say,  
21       hey, make sure you're doing what you're supposed to  
22       be doing with the provisional ballots.

23                 But if it was a significant issue, we  
24       would also give it to Frances, and she would  
25       dispatch somebody to go down there and gather

1 statements or evidence about exactly what had gone  
2 on if it was a significant issue.

3 Q. So you respond to Ms. Watson in this  
4 E-mail:

5 " [REDACTED]

6 [REDACTED] "

7 Do you see that?

8 A. Yes.

9 Q. And was there an investigation done of the  
10 concern that was raised by Laura Jones here on  
11 November 5th of 2020?

12 A. I don't know. I assume there -- I assume  
13 there was. This is certainly the kind of thing  
14 that would have risen to the level of an  
15 investigation.

16 Q. Who would you ask if you wanted to know  
17 whether there was an investigation done and what  
18 the outcome was?

19 A. Well, now I'd ask the current -- I think  
20 it's the interim investigator. His name is James  
21 Callaway. Frances Watson has moved on. She's no  
22 longer there. So I would ask Interim Chief  
23 Investigator Callaway to -- he would be able to  
24 give the status of any investigations.

25 Q. When --

1           A.     And I'm --

2           Q.     Oh, I'm sorry.

3           A.     I don't want you to think I'm leaving.

4     Just my throat's real dry.   So.

5           Q.     I thought I'd run you off already.

6           A.     Come on, you know you -- I've been doing  
7     this too long for you to run me off this early.

8           Q.     Well, I know you guys, the former police  
9     officer, sometimes I think you enjoy this.

10          A.     No.   You're wrong about that.

11          Q.     When investigations like this were done,  
12     were there typically some sort of report or an  
13     investigative file that was prepared?

14          A.     Almost always.   The only time there  
15     wouldn't be a report would be if it was determined  
16     that this is -- you know, it was a bogus -- you  
17     know, this was somehow, like, a false report or  
18     they got there and found out that nothing that was,  
19     you know, nothing was -- nothing had happened,  
20     basically a false report.

21                 So if -- so I can't imagine this not being  
22     investigated and a report not being written on it.

23          Q.     Where would the investigative file,  
24     including any report, typically be kept at the  
25     Secretary's office?

1           A.     It would be in the investigations  
2     division.

3           Q.     Do you know whether any steps were made to  
4     preserve and collect documents from the  
5     investigations division for this case?

6           A.     I know that the investigative files are  
7     kept for I think either five or seven years as just  
8     a normal -- in the normal course of business. I  
9     don't know specifically if attempts were made to  
10    get them or not or -- as part of discovery.

11          Q.     If you look at the concern raised here by  
12    Laura Jones on November 5th, 2020, there are a  
13    number of things that she points out here, but one  
14    of the things she points out is that [REDACTED]

15    [REDACTED]  
16    [REDACTED]  
17    [REDACTED]

18                   Do you see that?

19          A.     [REDACTED]  
20    Let's see. Well, she says that:

21                   [REDACTED]  
22                   [REDACTED]  
23                   [REDACTED]  
24                   [REDACTED]  
25    [REDACTED]    [REDACTED]

1           Q.    Yeah.  If you look at the third line, do  
2           you see where she writes -- well, we can start at  
3           the beginning so you've got the whole context.  She  
4           says:

5                           [REDACTED]  
6                           [REDACTED]  
7                           [REDACTED]  
8                           [REDACTED]  
9                           [REDACTED]  
10                          [REDACTED]

11          A.    Right.

12          Q.    -- "[REDACTED]" -- she goes --

13          A.    I see that.

14          Q.    Yeah.  She goes on:

15                        "[REDACTED]"  
16                        [REDACTED]  
17                        [REDACTED]"

18                        Do you see that?

19          A.    I do.

20          Q.    You also indicate --

21                        THE VIDEOGRAPHER:  Sorry.  I'm sorry,  
22                        Mr. Cross.  There's something -- this is  
23                        the videographer.  There's something a  
24                        little weird going on with the audio.

25                        So if you could --

1 MR. CROSS: With Mr. Harvey?

2 THE VIDEOGRAPHER: I don't know if  
3 it's coming from Mr. Harvey or from your  
4 end, but --

5 MR. CROSS: Oh.

6 THE VIDEOGRAPHER: -- if you guys  
7 could just give each other maybe a half a  
8 beat between questions and answers, maybe  
9 that'll help. I'm not sure. But there's  
10 some kind of interference.

11 MR. CROSS: Okay.

12 BY MR. CROSS:

13 Q. Okay. Mr. Harvey, do you see that she  
14 indicates I believe one of the machines -- well, to  
15 be precise, she says:

16 [As read] "[REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]."

21 Do you see that?

22 A. Right. And then she goes on to say:

23 "[REDACTED]"

24 Q. Right. [REDACTED]

25 Is it fair to say that, [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED], that that would not comply with  
4 state policies?

5 A. I think the regulation is that, if there  
6 is some type of discrepancy, either with a seal or  
7 some concern, it has to be essentially -- I'm not  
8 sure what the word would be. It has to be resolved  
9 or it has to be sort of examined and determined if  
10 that's an issue or if that's a significant problem.  
11 If you can't determine that it's good, you should  
12 put it aside.

13 But I think there is -- I think there is a  
14 provision in either the law or the S.E.B. rules  
15 that does put the onus on the election folks to  
16 resolve or, you know, or satisfy themselves that  
17 that is good to use before you use it.

18 Q. Do you know whether any analysis was done  
19 of the machines described here after this complaint  
20 came in to determine whether they had been  
21 compromised or were otherwise unreliable for an  
22 election?

23 A. I don't know.

24 Q. Who would you ask?

25 A. I would ask either the Secretary of State

1 investigator who did this or I would ask Fulton  
2 County.

3 Q. All right. Grab the next exhibit, if you  
4 would, please, which is Exhibit 6.

5 (Whereupon, Plaintiff's  
6 Exhibit 6 was marked for  
7 identification.)

8 THE WITNESS: Yeah, let me refresh  
9 here.

10 BY MR. CROSS:

11 Q. Okay.

12 A. Okay. I've got it.

13 Q. Okay. Do you see that Exhibit 6 is an  
14 E-mail that you received from David Worley on  
15 October 10th, 2020?

16 A. Yes.

17 Q. Who is David Worley?

18 A. David Worley at the time was the  
19 democratic representative to the -- appointee to  
20 the State Election Board.

21 Q. What organization was he with at this  
22 time?

23 A. Well, he was the Democratic Party  
24 representative, and he was a private attorney. I  
25 don't know if that answers your question.



1 Q. Got it. Okay. That does. Thank you.

2 And do you see that Mr. Worley writes

3 here:

4 [As read] "[REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]"

12 Do you see that?

13 A. I do.

14 Q. Do you recall this situation?

15 A. I do.

16 Q. What do you recall about the reports of a

17 [REDACTED]?

18 A. As I recall, [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED].

23 And for -- I was in -- I was in pretty  
24 regular communication with the elections director  
25 up there. And I tended to speak with her a lot

1        anyway. And she called me as soon as -- as soon as  
2        she became aware of this.

3                And I did notify both our -- Merritt  
4        Beaver and our team. And I'm very, very confident  
5        that I probably notified the, either D.H.S. and/or  
6        the F.B.I. And I think that they were down for  
7        about a day, maybe two, and then they started  
8        getting some of their -- some of their access back.

9                Q.    What investigation was conducted, if any,  
10       to determine whether this compromise affected the  
11       election system in any way?

12              A.    I don't think there was an investigation  
13       done by the Secretary of State's investigative  
14       division. I know that, as soon as we found out  
15       about it, we cut off their access to ElectionNet.

16              And I believe when we did -- and this --  
17       there were a couple times this happened over the  
18       course of the last two or three years. And I  
19       believe Merritt's team would go and check to make  
20       sure there was -- there was no indication in ENet  
21       that anything had been compromised.

22              And my understanding is that, again, I  
23       think it was D.H.S. or C.I.S.A. that was working  
24       with them to deal with the situation. Whether it  
25       was an investigation or just a restoration, I'm not

1       sure.

2           Q.     Why was -- why would C.I.S.A. be involved  
3       in something like this?

4           A.     Well, because they were -- they were sort  
5       of our go-to agency when it came to cybersecurity  
6       issues. You know, C.I.S.A. had basically put  
7       itself out as the first -- you know, kind of the  
8       9-1-1 call you made when you had a cyber issue,  
9       especially in the elections world.

10                  And so that was -- that was pretty much  
11       protocol is, as soon as you had a situation like  
12       that in a county, you'd let us know, you'd let  
13       C.I.S.A. know, you'd let your county know and get  
14       all hands on deck.

15           Q.     In your time as elections director for the  
16       Secretary of State, are you aware of whether the  
17       Secretary's office or counties sometimes shared  
18       confidential information with C.I.S.A.?

19           A.     What do you mean --

20                  MR. RUSSO: Object to form. Go  
21       ahead.

22                  THE WITNESS: What do you mean  
23       "confidential information"?

24       BY MR. CROSS:

25           Q.     So information that was not public.

1           A.     I mean, I don't know -- I don't know  
2           specifically what any -- what any county would have  
3           shared with C.I.S.A., so I don't know the answer to  
4           that question.

5                     From the Secretary of State's office, I'm  
6           not sure which -- I'm not sure if what -- I mean, I  
7           don't know because I wouldn't have been directly  
8           involved in what's going on.

9                     I would have gotten Merritt or somebody on  
10          his team, or David Hamilton or something like that,  
11          and they would have generally coordinated with  
12          C.I.S.A. So I don't know what information would  
13          have gone back and forth.

14          Q.     Mr. Harvey, the audio's a little better  
15          when you stay closer to the computer.

16          A.     Okay.

17          Q.     It's easier to hear you.

18                     Sorry. I can't remember if I asked this.  
19          If you wanted to know whether [REDACTED]  
20          referenced here in Exhibit 6 had any impact on  
21          Georgia's election system, who would you ask?

22                     MR. RUSSO: Object to form.

23                     THE WITNESS: I mean, I would  
24          probably ask somebody in [REDACTED]  
25          and/or Merritt Beaver.

1 BY MR. CROSS:

2 Q. Okay. All right. If you can go back to  
3 Exhibit Share, I just realized I skipped an  
4 exhibit. Sorry. Pull up Exhibit 5, if you would.

5 (Whereupon, Plaintiff's  
6 Exhibit 5 was marked for  
7 identification.)

8 BY MR. CROSS:

9 Q. Just let me know when you've got it. And  
10 you can take a moment to read through it.

11 (Whereupon, the document was  
12 reviewed by the witness.)

13 THE WITNESS: Okay. I've read it.

14 BY MR. CROSS:

15 Q. All right. Do you see Exhibit 5 is an  
16 E-mail that you sent to Frances Watson on November  
17 10, 2020?

18 A. Yes.

19 Q. And that's the most recent E-mail in a  
20 thread that begins with another one of these  
21 complaints or concerns that looks like it came in  
22 to the Secretary's office on November 9.

23 Do you see that?

24 A. I do.

25 Q. And if you look, the concern that came in

1 on November 9, 2020, the description of the  
2 violation is "[REDACTED]

3 [REDACTED]"

4 Do you see that?

5 A. Yes.

6 Q. And the location is the [REDACTED]

7 [REDACTED]. Do you see that?

8 A. Yes.

9 Q. And there's a Twitter link here. And if  
10 you read the whole context of the E-mail, you'll  
11 see that whoever sent this in put up photos of  
12 voting machines that were apparently, according to  
13 this person, [REDACTED].

14 Do you see that?

15 A. I see that.

16 Q. Do you know whether there was an  
17 investigation done in this situation?

18 A. I don't know. But again, this is one that  
19 I would certainly expect an investigation to have  
20 been done.

21 Q. If you wanted to review any -- review the  
22 investigation file, any report, and understand what  
23 was done and what the findings were, who would you  
24 ask?

25 A. The current acting chief, Mr. Callaway.

1           Q.    As you sit here, do you not -- you're not  
2   aware of what the outcome was of any investigation  
3   that may have been done here?

4           A.    No, I'm not.

5           Q.    All right. Pull up Exhibit 7, please.

6                               (Whereupon, Plaintiff's  
7                               Exhibit 7 was marked for  
8                               identification.)

9   BY MR. CROSS:

10          Q.    And again, anything I pull up, Mr. Harvey,  
11   you're welcome to read through, and just let me  
12   know when you're ready.

13          A.    Okay.

14               MR. ICHTER: David, for some reason  
15   I've only got six exhibits in the Marked  
16   Exhibits folder. How many are there?

17               MR. CROSS: There's seven so far.  
18   You probably just need to refresh.

19               MR. ICHTER: Okay.

20               THE WITNESS: Okay. This'll take me  
21   a minute to read.

22                       (Whereupon, the document was  
23                       reviewed by the witness.)

24               THE WITNESS: Okay. I've read it.

25   BY MR. CROSS:

1 Q. Okay. Do you see that the most recent  
2 E-mail here is one that you sent to George Gray on  
3 May 28, 2020?

4 A. Yes.

5 Q. And you're responding to an E-mail that  
6 you received from Mr. Gray earlier that day. Do  
7 you see that?

8 A. Yes.

9 Q. Who is George Gray?

10 A. A board member of the Oglethorpe County  
11 Board of Elections.

12 Q. Do you know him personally?

13 A. I wouldn't say I know him personally, but  
14 I believe he's one that would call me from time to  
15 time. So it was sort of unusual for board members  
16 to call me directly, but in -- sometimes in smaller  
17 counties they would.

18 So I believe I had spoken with him on  
19 occasions. And I had probably met him at  
20 conferences and things like that. But I'm not sure  
21 that I could pick him out of a line-up right now.

22 Q. Okay. I'm not going to ask you to do  
23 that. You -- if you look at the E-mail that he  
24 sent you, he's got a number of questions that are  
25 in black in this exhibit, and then there's text in



1 red where you provided some answers to those  
2 questions.

3 Do you see that?

4 A. Uh-huh. Yes.

5 Q. Sorry. Was that "yes"?

6 A. Yes. I'm sorry.

7 Q. And so I just want to -- I have a couple  
8 of questions about some of the questions he has.  
9 If you look at the second paragraph of his E-mail,  
10 he writes:

11 " [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]"

17 Do you see that?

18 A. I do.

19 Q. The first example he indicates refers to  
20 "[REDACTED]" Do you see that in the  
21 third paragraph?

22 A. Yes.

23 Q. And he goes on:

24 "[REDACTED]  
25 [REDACTED]"

1 [REDACTED] "

2 Do you see that?

3 A. Uh-huh. Yes.

4 Q. Sorry. I need you to say -- okay. Thank  
5 you.

6 A. Yes.

7 Q. Sorry. It's just a formality for the  
8 record.

9 And he raises a concern about the work  
10 that goes into this. And then you have a response  
11 in red. Do you see that immediately below his  
12 "[REDACTED]" paragraph?

13 A. I do.

14 Q. And what you explain to him here is:

15 "[REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]"

21 That's what you wrote; right?

22 A. Yes.

23 Q. Why were you concerned about [REDACTED]  
24 [REDACTED]  
25 [REDACTED] ?

1           A.     Well, I wasn't concerned about it. I was  
2     trying to illustrate why it's important that you  
3     keep a counting on the B.M.D.s. I mean, that's  
4     just a -- you know, with some of the counties, they  
5     didn't have a lot of -- you know, some counties  
6     were more concerned with security, some counties  
7     were less concerned with security.

8           And some of these counties, you know, they  
9     wouldn't think that, well, you know, people -- you  
10    know, these are respectful people, nobody would do  
11    something they're not supposed to do.

12           And so I was just giving the example that,

13     [REDACTED]  
14     [REDACTED]  
15     [REDACTED]  
16     [REDACTED]  
17     [REDACTED]

18           Q.     Understood.

19           Why is it important to take measures like  
20    this to protect the B.M.D.s against potential  
21    conduct of bad actors within the election system?

22           A.     Well, it's important to take -- to protect  
23    all aspects of the election system. I mean, you  
24    want to protect the ballots. You want to protect  
25    the poll pads. You want to protect the B.M.D.s.

1 You want to protect everything, because you don't  
2 want anybody messing with any of it.

3 And so that's, you know, just one part of  
4 it. But you certainly don't want somebody that may  
5 find a way to print counterfeit ballots or  
6 unauthorized or ineligible ballots.

7 Q. And is one of the concerns that's  
8 important to protect against with the election  
9 system, as you suggest here, the possibility that  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]?

15 A. Was there -- was there a question?

16 Q. Yeah. I'm asking is that something that's  
17 important to protect against.

18 A. Oh, yes. Yes, it is.

19 (Whereupon, Ms. Elson joined the  
20 deposition.)

21 BY MR. CROSS:

22 Q. If you come down to, you see his number  
23 two is "[REDACTED]." Do you see  
24 that on the next page?

25 A. Yes.

1 Q. And he expresses a concern about [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED].

5 Do you see that?

6 A. I do.

7 Q. And then you go on in the red paragraph,  
8 the first one, you say:

9 " [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]"

17 Do you see that?

18 A. I do.

19 (Whereupon, Ms. Connors joined the  
20 deposition.)

21 BY MR. CROSS:

22 Q. How is having three people for this task,  
23 how does that help with security and integrity for  
24 the election system?

25 A. Well, it's harder for three people to keep

1 a secret than two and harder for two than one. So  
2 the rule of threes has generally been what you've  
3 had in elections in recent history.

4 So anytime you're dealing with ballots,  
5 you have three people there. Because the  
6 likelihood of having three people do the wrong  
7 thing is less likely perhaps than only two. So as  
8 I explained, the principle of three is, you know,  
9 going to hopefully keep people more honest.

10 Q. Okay. Mr. Harvey, you're -- do you vote  
11 in Georgia elections?

12 A. I do.

13 Q. And do you vote using the B.M.D.s or  
14 absentee or how do you typically vote?

15 A. I have voted both ways. I think last year  
16 I did vote on a B.M.D. for one election. It may  
17 have been a special election. I live in DeKalb  
18 County. But I think for the general election and  
19 the run-off I voted by absentee by mail.

20 But I usually try to vote during advance  
21 voting, because I like to go to a polling place and  
22 see people and see what's going on. But I was a  
23 little busy late last fall.

24 Q. But you prefer to vote in person?

25 A. I, you know, I don't know. If you look at

1 my -- I -- look at my voting history, I think you'd  
2 find I do it about 50/50.

3 Q. Okay. When you voted on the B.M.D., is it  
4 fair to say that you weren't able to read the Q.R.  
5 code on your ballot to determine how that Q.R. code  
6 was getting tabulated? Is that right?

7 A. That's correct. I -- but I did see the  
8 print-out below it of what my choices were.

9 Q. Okay. But you understand that the human  
10 readable portion of your ballot does not count in  
11 any election in terms of what gets tabulated;  
12 right?

13 MR. RUSSO: Object. Objection to  
14 form.

15 THE WITNESS: I would, while I would  
16 generally agree, I believe, and I'd have  
17 to go back and look at the code, I think  
18 for -- if there's a recount or something  
19 like that, then I think it does count.  
20 So.

21 But generally, I agree with your  
22 premise.

23 BY MR. CROSS:

24 Q. A recount in Georgia simply rescans the  
25 ballots; right?

1 MR. RUSSO: Objection. Form.

2 THE WITNESS: It does. But I'm,  
3 again, I'm -- I can't cite exactly where  
4 it is in the code, but I believe there is  
5 a provision somewhere that says, if  
6 there's some inconsistency, you go with  
7 what's actually printed, the name that's  
8 printed on the ballot.

9 BY MR. CROSS:

10 Q. And in order to examine the human readable  
11 portion for tabulation purposes, that can occur  
12 only in an audit that's authorized by the Secretary  
13 of State; is that right?

14 MR. RUSSO: Objection to form.

15 THE WITNESS: Again, I -- I'm not  
16 sure about that. Again, I think there may  
17 be some provision that, if there's some  
18 type of dispute about a vote, you go with  
19 the human readable form.

20 BY MR. CROSS:

21 Q. Okay. As a voter, would you prefer to  
22 cast a vote that's scanning human readable text for  
23 the tabulation rather than a Q.R. code?

24 A. Probably.

25 Q. Because then you could actually, you could



1 read what's being tabulated in the first instance  
2 yourself; right?

3 A. Well, yes. Assuming that the scanner is  
4 set up and is secure and is tabulating it in  
5 accordance with that.

6 Q. Right. Are you aware that -- well, let me  
7 ask a threshold question. Are you familiar with an  
8 election security expert named Alex Halderman?

9 A. Yes.

10 Q. In fact, you've, I think you've testified  
11 at hearings in this case with -- where you both  
12 testified; right?

13 A. Yes. Although I've not seen -- I wasn't  
14 in the room when he testified, but I'm certainly  
15 familiar -- certainly familiar with his reputation  
16 and his work.

17 Q. Okay. And what are you familiar with  
18 regarding his reputation and work?

19 A. That he's considered an expert in security  
20 sys -- or election systems and security and that  
21 he's been -- I guess Judge Totenberg, I don't know  
22 what the designation is, but essentially designated  
23 him or allowed him unprecedented access to check  
24 the Georgia voting system.

25 So I mean, obviously he's got credentials

1 to do this stuff.

2 Q. Okay. And you anticipated where I was  
3 going. You mentioned that he got access to  
4 election equipment in Georgia. Are you aware that  
5 he prepared a report of nearly a hundred pages on  
6 that analysis that was provided to the State's  
7 lawyers on July 1st of last year?

8 A. I just read that in the A.J.C. I think  
9 yesterday or the day before.

10 Q. So you did not know that before the A.J.C.  
11 article?

12 A. No. And I, remember, I had -- I  
13 essentially left the Secretary's office at the end  
14 of May.

15 Q. Okay. So fair to say you have not read  
16 that report?

17 A. That's correct. I have not.

18 Q. Okay. Would you expect the Secretary's  
19 office to address any significant vulnerabilities  
20 with the election system that Dr. Halderman  
21 identified in that report?

22 A. I would expect the Secretary of State's  
23 office to address any vulnerabilities from any  
24 source in an evaluation of, you know, considering  
25 all the different factors that come in.

1 Q. Why?

2 A. Well, because if there's a security issue,  
3 it needs to be -- if you can confirm that it is an  
4 issue, you'd want to -- you'd want to fix it. You  
5 may get reports that are -- that are not security  
6 issues or false reports that you want to be able  
7 to, you know, counter with a fact that, hey, this  
8 is a -- this is a false report or this is a -- this  
9 flaw doesn't exist or whatever the case may be, I  
10 think.

11 But I would expect them to certainly  
12 consider anything that would come in that would be  
13 able to secure the system.

14 Q. And is it fair to say that taking  
15 reasonable measures to mitigate known  
16 vulnerabilities with an election system and being  
17 able to tell voters that you've done that, that  
18 that helps drive voter confidence in the election  
19 system?

20 MR. RUSSO: Objection. Form.

21 THE WITNESS: Can you ask the first  
22 part of that again?

23 BY MR. CROSS:

24 Q. Sure. Taking measures to mitigate known  
25 vulnerabilities with an election system and being

1       able to tell voters that those measures have been  
2       taken, without getting into specifics, just letting  
3       voters know that measures have been taken to  
4       address known vulnerabilities with an election  
5       system, would you expect that to help drive voter  
6       confidence in that system?

7               MR. RUSSO:  Objection to form again.

8               THE WITNESS:  I would think it would  
9       be helpful.

10       BY MR. CROSS:

11            Q.    As a voter yourself, would you have more  
12       confidence in a system where known vulnerabilities  
13       have been addressed or in a system where known  
14       vulnerabilities have not been addressed for six  
15       months or more?

16            MR. RUSSO:  Objection to form.  Lacks  
17       relevance.

18            THE WITNESS:  I'd want issues  
19       addressed.

20       BY MR. CROSS:

21            Q.    Okay.  You were still with the Secretary's  
22       office in September 2020 when Dr. Halderman  
23       testified in a hearing before Judge Totenberg in  
24       this case; right?

25            A.    Yes, I was.

1 Q. And I won't get into the specifics of his  
2 testimony, but just at a general level, were you  
3 aware that he testified and actually did a  
4 demonstration by video for the judge showing that  
5 he was able to hack Georgia's B.M.D. equipment?

6 MR. RUSSO: Objection to form.

7 THE WITNESS: No, I'm not aware of  
8 that.

9 BY MR. CROSS:

10 Q. So even when you were the elections  
11 director, no one informed you that [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]?

16 MR. RUSSO: Objection to form. And  
17 lacks foundation.

18 THE WITNESS: I don't believe I -- I  
19 don't believe I was aware of that.

20 BY MR. CROSS:

21 Q. Isn't that something you would expect to  
22 know as the elections director so that you could at  
23 least be aware of that vulnerability in the system?

24 A. Yeah, I would want to know that.

25 Q. And so is it fair to say you're also not

1       aware of any measures taken by the Secretary's  
2       office or any county to address that vulnerability?

3               MR. RUSSO: Same objection.

4               THE WITNESS: I'm not aware of  
5       anything that was -- that came as a result  
6       of what you're saying he did.

7       BY MR. CROSS:

8               Q.    Okay. All right. Take a look at Exhibit  
9       8, if you would, please.

10                               (Whereupon, Plaintiff's  
11                               Exhibit 8 was marked for  
12                               identification.)

13               MR. RUSSO: And David, before we go  
14       into this, I need to take a break in about  
15       seven minutes so we can swap. I have  
16       another matter to deal with that I  
17       mentioned earlier.

18               MR. CROSS: Do you want --

19               MR. RUSSO: I don't know how long --  
20       yeah, I don't know how long you're going  
21       to need on this exhibit. I'm not -- my  
22       computer actually hasn't even brought it  
23       up yet, but.

24               MR. CROSS: I don't need to take  
25       long. I think we can get through this and

1           then take a break --

2           MR. RUSSO:   Okay.

3           MR. CROSS:   -- so you can switch.

4           MR. RUSSO:   That's fine.   Okay.

5           MR. CROSS:   Yeah.

6       BY MR. CROSS:

7           Q.    Let me know when you're ready, Mr. Harvey.

8       And obviously, take a moment to read through it.

9           A.    Yeah.   Okay.   It just popped up.   Let me  
10       read it and I'll let you know.

11          Q.    Okay.

12                (Whereupon, the document was  
13       reviewed by the witness.)

14          THE WITNESS:   Okay.

15       BY MR. CROSS:

16          Q.    All right.   Do you see that Exhibit 8 is  
17       an E-mail you received from someone at Decatur  
18       County, Georgia on -- dot gov, from an E-mail  
19       address at Decatur County Georgia.gov on October  
20       15, 2020?

21          A.    Yes.

22          Q.    And the subject line is [REDACTED];  
23       right?

24          A.    Yes.

25          Q.    And if you look down in the thread, you'll

1 see that this starts with an E-mail from Carol  
2 Heard, the chief elections official at Decatur  
3 County, to you, copying others, on October 15,  
4 2020; right?

5 A. Correct.

6 Q. And here Ms. Heard is reporting what she  
7 refers to in the second line of her E-mail as:

8 " [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]"

13 Do you see that?

14 A. Yeah, I do.

15 Q. And she has a couple of questions. The  
16 first is:

17 " [REDACTED]  
18 [REDACTED]  
19 [REDACTED]"

20 Do you see that?

21 A. I do.

22 Q. And then in your response to her later  
23 that morning, if you come up to the bottom of the  
24 first page, you wrote:

25 [As read] " [REDACTED]"



1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]"

7 Do you see that?

8 A. Yes.

9 Q. Given the concerning -- the security  
10 concerns involving U.S. elections, [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]?

15 MR. RUSSO: Objection to form.

16 THE WITNESS: I think there actually  
17 were assessments that were done. We were  
18 getting -- I think what she was asking  
19 for, I got the impression she was asking  
20 for [REDACTED]

21 [REDACTED].

22 In actuality, we had been getting and  
23 we had been sharing with counties and  
24 counties had been getting through EI-ISAC  
25 regular communications from C.I.S.A., and

1 I think in some cases from D.O.J. or  
2 F.B.I., about some of the threats.

3 I think she was asking for, [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 But it's, you know, it's really clear  
9 in my memory that, basically, all the  
10 communication we had with them, with the  
11 counties in 2020, was essentially -- had  
12 to do with threat slash challenge  
13 assessments. And those are, you know,  
14 challenges from COVID that were not really  
15 threats but were real concerns they had to  
16 deal with.

17 But we also did share with them, you  
18 know, concerns about cybersecurity at that  
19 threat, and we also concern -- shared  
20 concerns about, you know, groups showing  
21 up at polls and possible violence.

22 So I may have undersold myself a  
23 little bit by saying [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

2

3

But then I go on to say "[REDACTED]

4

5

6

[REDACTED]." And by

7

8

"[REDACTED]," that included everything from disruptive people at polls to misinformation to all that stuff.

9

10

11

12

13

14

15

And as I think I mentioned before, you know, we'd had every -- just about every county, I wish I could say every county but I'm not sure we got all 159, we had the new physical security assessments to deal with things like violence, things with intrusion and stuff like that.

16

17

So I -- that's what I was trying to convey to her was that [REDACTED]

18

19

20

[REDACTED].

21

22

23

But they clearly -- we had gotten and we had shared a lot of information with them.

24

BY MR. CROSS:

25

Q. Okay. Why does the Secretary of State's

1 office rely on C.I.S.A. for information about  
2 potential threats to election security?

3 A. You trailed off at the end. Threats to  
4 what security?

5 Q. Yeah. Let me ask it again. Why does the  
6 Secretary's office rely on C.I.S.A. for information  
7 about potential threats to election security?

8 A. Well, we primarily relied on them for  
9 threats on the cyber front, because that was  
10 their -- they were sort of the designated federal  
11 government partner for cyber threat and  
12 cybersecurity.

13 But we also -- we also worked with the  
14 F.B.I. We would report things to the F.B.I. I had  
15 a lot of communications with the F.B.I. in the  
16 course of, you know, the second half of 2020 and  
17 the first part of 2021 about all this stuff, about  
18 election night, about set-ups, about what they were  
19 doing, about how we were going to communicate.

20 We -- the F.B.I. had a -- had an agent  
21 that was basically assigned to be my direct liaison  
22 on anything election front, and I would speak to  
23 her probably weekly and then a couple times during  
24 election day and before the election and after the  
25 election.

1           So we didn't just rely on C.I.S.A. But  
2           C.I.S.A. was primarily cyber, and then F.B.I. was  
3           more of a -- of a threat. Like, if there had been,  
4           like, civil unrest type issues, that would have --  
5           that would have gone to F.B.I. rather than  
6           C.I.S.A., or to state, state law enforcement  
7           perhaps.

8           Q.    Based on your experience and knowledge as  
9           the elections director, and including in the  
10          communications that you had with the F.B.I. or  
11          others, are you aware of any specific threats that  
12          particular -- that specifically targeted Georgia  
13          elections at any point?

14          A.    I don't -- I know there was a -- there was  
15          a report, I believe, of a bomb threat at Fulton  
16          County, or the threat of a bomb threat or -- that  
17          had come in I think around the time of advanced  
18          voting.

19                There was nothing like a -- like a  
20          long-range forecast, for example, that said, hey,  
21          the F.B.I. has determined that, you know, 200,000,  
22          you know, of these people are going to come and,  
23          you know, physically attack polling places.

24                But we were regularly told, and frankly,  
25          on a national level through the National

1 Association of State Election Directors, we had --  
2 we had calls at least every month, maybe every two  
3 weeks, talking about sort of the national level.

4 But I don't think that there was anything  
5 really specific that Georgia was on the lookout for  
6 that was very different than what every state was  
7 looking out for and trying to be able to respond  
8 to.

9 Q. And what was Georgia looking out for with  
10 respect to cybersecurity threats for elections  
11 during your time there?

12 A. Well, anything. You name it. Malware  
13 attacks, ransomware, disinformation, any of those  
14 things, social media issues, you know, we were --  
15 we were on the lookout for all of it. And we were  
16 trying to communicate that to the counties to be on  
17 the lookout for, too.

18 Q. Okay.

19 A. But we weren't ruling anything -- we  
20 weren't ruling anything out.

21 Q. Are you aware of any instance of any  
22 unauthorized access to any aspect of Georgia's  
23 election system?

24 A. What do you mean by "election system"?  
25 Can you define what --

1           Q.     Sure.  So the voting equipment, the -- any  
2     servers that are used, ENet, voter registration  
3     database, so any unauthorized access to -- well, I  
4     tell you what, let's make it narrower.

5                 Let's just start with are you aware of any  
6     unauthorized access to any of the voting equipment,  
7     so B.M.D.s, printers, scanners?

8           A.     I don't believe so.

9           Q.     Are you aware of any unauthorized access  
10    to any election servers at the state or county  
11    level?

12          A.     I don't believe so.

13          Q.     Are you aware of any copying, unauthorized  
14    copying or alteration of data on any voting  
15    equipment in the state?

16          A.     No.

17          Q.     Are you aware of any copying or alteration  
18    of data on any election servers in the state?

19          A.     No.

20          Q.     Are you aware of any unauthorized copying  
21    or alteration of data on ENet or the voter  
22    registration database?

23          A.     No.

24          Q.     Are you aware of any unauthorized access  
25    to ENet or voter registration database?

1           A.     No.

2                   MR. RUSSO:   And David, if we could  
3                   just pause for one second, I want to try  
4                   to -- I didn't want to interrupt your line  
5                   of questions there, but I've got to --  
6                   we've got to take a quick break so I can  
7                   swap out here.

8                   MR. CROSS:   Okay.   How long do you  
9                   need?

10                  MR. RUSSO:   I just need a minute.  
11                  Yeah, yeah.   Carey's going to come take my  
12                  spot here.

13                  THE VIDEOGRAPHER:   Would you like to  
14                  go off the record?

15                  MR. CROSS:   Do we need to go off the  
16                  record, Vincent, or is Carey there?

17                  MR. MILLER:   I'm here.

18                  MR. CROSS:   Oh, okay.

19                  MR. MILLER:   Yeah, I'm --

20                  MR. CROSS:   Just let me know when  
21                  you're ready, Carey.

22                  MR. MILLER:   Yeah.   Are we off right  
23                  now or are we still on?

24                  MR. CROSS:   We're still on.

25                  MR. MILLER:   Okay.   Can we just -- I



1           don't understand there's any objection,  
2           but maybe can we stipulate to no objection  
3           to me subbing in to defend, keep this  
4           train rolling?

5                   MR. CROSS:   Sure.

6                   MR. MILLER:   Okay.

7                   MR. CROSS:   I mean, I don't know if  
8           you're really a substantive for Vincent.  
9           I'll defer to him for that.

10                   MR. MILLER:   Okay.   I'm --

11   BY MR. CROSS:

12           Q.    Mr. Harvey, I don't know if you got an  
13   upgrade or a downgrade there.

14                   MR. MILLER:   I'm ready when you all  
15   are.

16                   MR. CROSS:   Okay.

17   BY MR. CROSS:

18           Q.    All right.   I had a couple more questions  
19   on this document.   Then if you want to take a  
20   break, Mr. Harvey, I know we've been going for a  
21   little while.

22           A.    I'm fine to keep going.

23           Q.    Okay.   Good.   Well, if you need a break at  
24   any point, just let me know.

25                   Okay.   All right.   So looking back at -- I

1 think we're on Exhibit 8. Yes. So looking back at  
2 Exhibit 8, you pointed out this language where you  
3 wrote "[REDACTED]  
4 [REDACTED]."

5 Can you describe what you have in mind  
6 there?

7 A. Let me -- yeah, I think the -- you know,  
8 we have a -- [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]. So the -- you know, that's constantly  
12 monitored.

13 And I say "[REDACTED]  
14 [REDACTED]," those are the F.B.I. bulletins  
15 that would come out or the different threat  
16 assessments that would come out from the F.B.I.

17 I think there was -- I think there were  
18 one or two that had to do with some -- that  
19 actually had to do with some cyber issues or some  
20 sites that should be blocked or -- that we shared  
21 with all the counties.

22 So that's what I was trying to convey to  
23 her was that this was something that we were doing  
24 almost every day. I mean, we were -- we were  
25 having telephone calls and on-line meetings and

1 getting updates from numerous sources. So that's  
2 really what I meant by "██████."

3 I wanted to make sure she understood that  
4 we hadn't just, you know, said -- you know, laid  
5 back and said, well, whatever's going to happen  
6 happens. We tried to keep our pulse on what was  
7 going on as much as we could.

8 Q. The only examination of voting equipment  
9 in the state that you're aware of for security  
10 purposes is what you identified earlier where five  
11 to six counties were examined by Pro V&V; is that  
12 right?

13 A. Post-election, yes. Although, I would --  
14 I would say that the logic and accuracy testing is  
15 also a test for the security of the voting  
16 equipment. So that's done before every election.

17 Q. Have you reviewed any of the reports of  
18 any of the election security experts from any of  
19 the parties in this litigation?

20 A. I don't believe so. I have -- I've read a  
21 lot about this case, and I've read a lot of things  
22 that people have said in the course of, you know,  
23 the last year or two.

24 But I don't believe I have read a report  
25 from -- first of all, I'm not -- I don't know who

1 all the witnesses you're -- the experts you're  
2 talking about. So. But I don't believe I've read  
3 their reports.

4 Q. So as you sit here, you're not aware of  
5 the opinions or analyses of election security  
6 experts pointing out the limits or inability of  
7 logic and accuracy testing to identify malware or  
8 other compromises with the voting equipment?

9 MR. MILLER: Objection to form. Lack  
10 of foundation.

11 THE WITNESS: I've heard over the --  
12 over the last several years I've heard,  
13 you know, arguments along those lines, but  
14 I don't -- I don't think I've read  
15 specific reports like you're talking  
16 about.

17 BY MR. CROSS:

18 Q. All right. Let me pull up the next  
19 exhibit here. It will be Exhibit 9.

20 (Whereupon, Plaintiff's  
21 Exhibit 9 was marked for  
22 identification.)

23 BY MR. CROSS:

24 Q. All right. Let me know when you've got  
25 Exhibit 9 in front of you. And take a moment to

1 review it.

2 A. Okay. I'm pulling it up now. I'll let  
3 you know when I've read it.

4 (Whereupon, the document was  
5 reviewed by the witness.)

6 THE WITNESS: Okay. I've read it.

7 BY MR. CROSS:

8 Q. And just before we look at this, you  
9 mentioned a moment ago on the checks that there are  
10 alarms that are in place? What did you mean by  
11 that?

12 A. Well, I know there are -- on the -- on the  
13 Secretary of State's security system or cyber  
14 system, it's my understanding from talking with  
15 Merritt Beaver that, if something were to happen,  
16 he would be notified of it. If there was some  
17 intrusion or something like that, he would be  
18 notified.

19 Q. And those alarms are limited to intrusion  
20 by the Internet; right?

21 A. I'm really not sure. I don't know much  
22 more than that. But that if there -- if there was  
23 a compromise in the system, he would be notified is  
24 my understanding.

25 Q. Okay. And if you wanted to understand the

1 limits of that system and how it works, who would  
2 you ask?

3 A. Merritt Beaver.

4 Q. All right. Take a look at Exhibit 9, if  
5 you would, please.

6 A. Okay.

7 Q. You'll see the most recent E-mail is one  
8 that you received from Deb Cox at Lowndes County --  
9 is it Lowndes County or Lowndes County? How do you  
10 say that in Georgia?

11 A. Lowndes. No --

12 Q. Okay.

13 A. The E is silent.

14 Q. Okay. I thought so.

15 So Exhibit 9 is an E-mail you received  
16 from Deb Cox at Lowndes County on October 30, 2019.  
17 Do you see that?

18 A. I see that.

19 Q. Okay. If you come down to the earliest  
20 E-mail in the thread at the bottom of the second  
21 page, this is an E-mail from, is it Rokey Suleman  
22 at KNOWiNK?

23 A. There is -- yeah, that's the, it looks  
24 like that's at the very bottom of the E-mail  
25 string.

1 Q. Right.

2 A. Yeah. That's for -- yeah, Rokey Suleman  
3 was the, for a time he was the, kind of the lead  
4 KNOWiNK poll pad liaison for Georgia.

5 Q. Okay. So in Mr. Suleman's E-mail, which  
6 goes to, it looks like, several Georgia county  
7 election officials on October 30, 2019, do you see  
8 that?

9 A. Yes.

10 Q. And it says, subject line, [REDACTED]  
11 [REDACTED]. And he indicates in the first  
12 line:

13 " [REDACTED]  
14 [REDACTED]."

15 Do you see that?

16 A. I do.

17 Q. What's a [REDACTED]?

18 A. [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED].

22 So they usually, the second Thursday  
23 before the election, they basically label all the  
24 identified eligible voters and they pull them into  
25 a database so that they can put them into the poll

1 pads.

2 Well, if a county has a -- has a backlog  
3 of voter registration applications, they keep  
4 processing them. So if on that -- the Friday after  
5 they do the pull of voters they enter my voter  
6 registration application, I'm not going to be on  
7 the poll pad, but I am an eligible voter.

8 So when I show up, they get a supplemental  
9 voter list that's pulled on the Saturday before the  
10 election, and they say, okay, here are all the  
11 people in your county that have been entered into  
12 the voter registration system since we did the big  
13 pull, you know, a week and two days ago.

14 And so they're to have that at every  
15 polling place. And then when I show up to vote and  
16 I show my ID and they look me up first on the poll  
17 pad and they say, Mr. Harvey, we don't see you in  
18 here, the next thing they should do is check the  
19 supplemental list, and they say, oh, wait, here you  
20 are, yeah, you're on the supplemental list, and  
21 then they can encode a card for me on the poll pad  
22 and add me to the list of voters.

23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED].



1 Q. And Mr. Suleman in his E-mail describes

2 [REDACTED]

3 the second paragraph of his E-mail. Do you see  
4 that?

5 A. I do.

6 Q. And he talks about [REDACTED]

7 [REDACTED]

8 [REDACTED]. Do you see that?

9 A. I do.

10 Q. And he indicates [REDACTED]

11 [REDACTED]. Do you see that in the fourth line?

12 A. I do.

13 Q. And he says, "[REDACTED]."

14 Do you see that?

15 A. I do.

16 Q. And if you come up, there's a response  
17 from Janine Eveler, who's the elections director  
18 for Cobb County, on October 30, the same day. Do  
19 you see that?

20 A. I do.

21 Q. And she writes to Mr. Suleman:

22 "[REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]."

1 Do you see that?

2 A. I do.

3 Q. Do you know whether [REDACTED]

4 [REDACTED]

5 A. [REDACTED]. I

6 would -- I would point out that this was, due to

7 the timing of this and the counties it was sent to,

8 this was for the pilot election that was done in

9 November of 2019, I guess. And there were six

10 counties that were doing it, so this would have

11 only affected six counties.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]. But I don't know

16 what was done for this election.

17 Q. And in 2020 the KNOWiNK poll pads were

18 rolled out for all counties across the state for

19 use with the B.M.D. system; right?

20 A. That's correct.

21 Q. And you don't know whether [REDACTED]

22 [REDACTED]; right?

23 A. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

2

3

4

5

6

7

Q. Okay. Who would you ask if you wanted to know the answer to that?

9

A. I would probably ask either Michael Barnes or the -- Gabriel Sterling, who works closely with the current -- the current KNOWiNK liaison is not Rokey Suleman. I can't -- I can't -- his name doesn't come to mind. But I talked with him an awful lot in 2020. But Gabriel Sterling or Michael Barnes would be the best person to contact about that.

17

Q. The KNOWiNK poll pads that were used in the pilot elections in 2019, those were continued to use in the elections in 2020 and 2021; right?

20

A. I believe so.

21

Q. And the KNOWiNK poll pads are connected to the Internet via WiFi; right?

23

A. Not when they're in a -- not normally when they're in a polling place during elections, they're not. They can be, but they're not supposed

1 to be connected to any network while voting's  
2 taking place, or really at any time in the polling  
3 place.

4 Q. But they are connected to the Internet  
5 before the election begins, because that's how they  
6 get updated with the voter registration list;  
7 right?

8 A. Yeah, that's done in a -- with a secure --  
9 you know, it's a network secured system at the  
10 county -- usually at the county warehouse or where  
11 the county keeps their elections equipment.

12 Q. What's the process for updating the poll  
13 pads?

14 A. Generally speaking, somebody from Michael  
15 Barnes' team will pull the data out of ENet. So  
16 after the registration deadline has passed and,  
17 like, it comes time -- like I say, usually the  
18 second Thursday before the election, they pull all  
19 the voters -- or they don't pull them out of ENet,  
20 but they identify and get that data from ENet and  
21 say, okay, these are all the Cobb County voters  
22 that are eligible to vote in this election.

23 And they, I can't explain technically what  
24 they do, but they con -- they get them into a form  
25 that can go into the poll pad. And then it

1       populates the poll pad so that -- the poll pads are  
2       set up by precinct to have the voters in there  
3       first by precinct, and then you could -- it has all  
4       the voters in there, but they're really designed to  
5       go to a specific precinct.

6           Q.     And the --

7           A.     (Inaudible due to cross-talk).

8           Q.     Sorry. Go ahead.

9           A.     I was going to say, the file that Michael  
10       Barnes and/or the Dominion and KNOWiNK people put  
11       together is then uploaded into the individual poll  
12       pads that are then disconnected from WiFi and they  
13       are packaged to go to the polling place on election  
14       day.

15          Q.     And you said earlier that that occurs at a  
16       secure facility where the county has, what, its  
17       election management's -- its E.M.S. server?

18          A.     Well, it depends. In large counties they  
19       may have, like, a separate building where they may  
20       not -- it may or may not have the E.M.S. with it.

21                 But like, Fulton County's, their main  
22       office is separate from their election warehouse  
23       where they have all the equipment. I believe they  
24       do all this updating in the elections warehouse,  
25       which is across town from that.

1           But in smaller counties, well, or even  
2           like Paulding County, their equipment is stored in  
3           the same building that their office is held. So it  
4           varies.

5           Q.    Are the county E.M.S. servers connected to  
6           the Internet?

7           A.    No.

8           Q.    Does the state have any E.M.S. servers  
9           connected to the Internet?

10          A.    None that I'm aware of.

11          Q.    Are the KNOWiNK poll pads ever connected  
12          to E.M.S. servers?

13          A.    No.

14          Q.    Are there -- is there removal media, like  
15          U.S.B. drives, that are connected to an E.M.S.  
16          server and then also connected to a poll pad?

17          A.    I don't believe so. I mean, poll pads  
18          without an adapter couldn't accept a U.S.B. But I  
19          don't think there would be any reason for -- that a  
20          poll pad would ever be -- would ever be connected  
21          to an E.M.S. server. I can't think of a scenario  
22          where that would be -- need to be done.

23          Q.    Are E.N.R. servers at the county level,  
24          are those separate from the E.M.S. servers?

25          A.    I don't -- what do you mean by "E.N.R.

1 server"?

2 Q. Election night reporting where the  
3 counties report election results, tabulation  
4 results to the State.

5 A. Yeah, those aren't -- those aren't done on  
6 servers. So that process is the E.M.S., the county  
7 E.M.S. is, the data is copied from the E.M.S. on a  
8 jump drive or something and then is uploaded to the  
9 State for election night reporting purposes. But  
10 there's not a specific server that's involved in  
11 any of that stuff.

12 Q. How does the election data in any given  
13 county get from the B.M.D. -- I'm sorry, from the  
14 scanners to the E.M.S.?

15 A. It's physically collected at the -- you  
16 know, if you have a polling place, you physically  
17 shut down the scanner or scanners. You'd remove  
18 the -- one of the memory cards. And you would  
19 physically transport it to the -- whether -- the  
20 designated location is at the county where the  
21 E.M.S. server is. And then it would be manually  
22 inserted into the -- into the E.M.S. server.

23 Q. So the memory card on a scanner, that card  
24 itself is manually inserted into the E.M.S. to  
25 upload the data from that scanner?

1           A.     Yes.

2           Q.     And then how did -- how did the election  
3           results get from the E.M.S. to the E.N.R. system?  
4           Did you say that's a U.S.B. drive, typically?

5           A.     Yeah. Typically, it would be U.S.B.  
6           drive. So you would -- you would get a copy of the  
7           results from the E.M.S. So the E.M.S. shows, you  
8           know, a hundred votes for Joe and 101 votes for  
9           Sam.

10                   You would download that to a -- some type  
11           of removal media and then take that and go to a  
12           completely separate computer system that is  
13           connected to the Internet, and then that data file  
14           would be sent to the server that processes these  
15           E.N.R. results.

16                   And it would be -- it would eventually  
17           come to our office, and we would publish it through  
18           our election night reporting page.

19           Q.     And so when a county transmits election  
20           results through the E.N.R. system, are those  
21           transmitted over the Internet?

22           A.     Yeah. The copies of the -- of the data  
23           from the -- from the jump -- from the E.M.S. server  
24           is transported over the Internet to the county --  
25           to the State for the unofficial election night



1 reporting page. But it -- but it never leaves the  
2 E.M.S. It stays on the E.M.S. And what's on the  
3 E.M.S. is the official -- the official vote.

4 Q. Where do the counties get the U.S.B.  
5 drives that they use to copy the election results  
6 from the E.M.S. into the E.N.R. system?

7 A. I think initially we sent them some U.S.B.  
8 drives to do that. I think we had -- we had talked  
9 about having a procedure where we would send them a  
10 new U.S.B. drive before every election and,  
11 basically, have it be disposable.

12 I don't know if they -- if they adopted  
13 that. We hadn't had any other elections before I  
14 left.

15 Q. Okay. So before you left, the counties  
16 were typically reusing the U.S.B. drives instead of  
17 getting new ones from the State for each election?

18 A. They all got new ones for -- with the new  
19 system, but I couldn't -- I couldn't tell you if  
20 some counties may have reused them or used old  
21 systems or got -- old drives or got new drives.

22 Q. Who would you ask if you wanted to know  
23 the answer to that question? Is that a county  
24 level question?

25 A. I think you'd have to ask each county.

1           Q.    Was there a policy at the state level  
2           about reusing U.S.B. drives with the election  
3           system?

4           A.    We had talked about it.

5           Q.    Oh, this is the policy that you just  
6           mentioned that you --

7           A.    Right.

8           Q.    -- might -- go ahead.  Sorry.

9           A.    Right.  And I had -- I had -- I was a  
10          proponent of just sending them a new jump drive  
11          when they get -- when they got all the rest -- the  
12          rest of their election materials and just tell them  
13          to, you know, either store it or destroy it or, you  
14          know, after the election once everything was done  
15          and it was -- it was -- you know, the time was fine  
16          to reuse or -- the data, but just to send them a  
17          new U.S.B. drive whenever they got an election  
18          database from us.

19                But I don't know if they've done that or  
20          if they've decided to do that or not.

21          Q.    If you wanted to know the answer to that  
22          question, who would you ask?

23          A.    Either Blake Evans or Gabriel Sterling.

24          Q.    Okay.  Are you aware of whether Dominion  
25          has the ability to access county E.M.S. servers

1 remotely?

2 A. I don't believe they can do that, no.

3 Q. So that's not something you heard of where  
4 Dominion techs access E.M.S. servers remotely to  
5 provide tech support for counties?

6 A. No. They -- my understanding is they  
7 cannot do that. Now, what I did see techs do is  
8 they would sometimes, especially if a county was  
9 far away and they couldn't get somebody there  
10 quickly, they would have the person at the county  
11 maybe use, like, a video on their phone or FaceTime  
12 or something like that and show, you know, show the  
13 screen, and the tech would be able to tell them,  
14 okay, you need to check this box and uncheck this  
15 box and it -- you know, update or whatever, and  
16 they would walk them through that process.

17 But they could not -- they could not  
18 access them remotely.

19 Q. Okay.

20 A. Because if they could have accessed them  
21 remotely, they wouldn't have had to FaceTime them.

22 Q. Got it. Okay. Thank you.

23 Take a look at Exhibit 10, if you would,  
24 please.

25 (Whereupon, Plaintiff's

1                                   Exhibit 10 was marked for  
2                                   identification.)

3       BY MR. CROSS:

4           Q.    And let me know --

5           A.    If we could take -- if we could take,  
6       like, a five-minute break --

7           Q.    Yeah.

8           A.    -- that would be appreciated. I'll get it  
9       loaded up. And then, if you guys are good with  
10      that, give me about --

11          Q.    Sure.

12          A.    -- five minutes.

13          Q.    You want to come back at 11:00? Seven  
14      minutes?

15          A.    Yeah. That's plenty of time for me.

16          Q.    Okay. Great. Thank you.

17                THE VIDEOGRAPHER: Okay. The time is  
18      10:53 a.m. We're off the record.

19                (Whereupon, a discussion ensued  
20      off the record.)

21                (Whereupon, there was a brief  
22      recess.)

23                THE VIDEOGRAPHER: The time is 11:07  
24      a.m. We're on the record.

25       BY MR. CROSS:

1 Q. All right, Mr. Harvey, do you have -- I  
2 think we're at Exhibit 10. Do you have that in  
3 front of you?

4 A. I do.

5 Q. Okay. Have you had a chance to look  
6 through it?

7 A. Yes.

8 Q. Okay. Do you see that the most recent  
9 E-mail in Exhibit 10, this is one that you sent to  
10 Jordan, is it Fuchs?

11 A. It's pronounced Fuchs.

12 Q. Fuchs? Okay. Thank you.

13 Do you see that Exhibit 10 is an E-mail  
14 that you sent to Jordan Fuchs on February 25th of  
15 2021?

16 A. Yes.

17 Q. And the subject line is [REDACTED]  
18 [REDACTED] with a forward, Call Follow-Up; right?

19 A. Correct.

20 Q. And why did you send this E-mail -- well,  
21 before I get to that, let's get the whole context.

22 If you come down to the earliest E-mail in  
23 the thread, do you see that that came from  
24 Lathan -- Nathan Langmack at the F.B.I. on February  
25 25th of 2021?

1 A. Yes.

2 Q. And in Mr. Langmack's E-mail, if you look  
3 at the bottom, there's a reference to "[REDACTED]" in  
4 his signature block?

5 A. Yes.

6 Q. Was Special Agent Langmack, was that one  
7 of the people at the F.B.I. that you dealt with  
8 from time to time regarding cybersecurity issues?

9 A. No, it wasn't. I don't -- at least not to  
10 my knowledge. I generally just dealt with one or  
11 two people at the F.B.I. And this may have been  
12 the only communication I had with Agent Langmack as  
13 far as I know.

14 Q. So he indicates:

15 "[REDACTED]  
16 [REDACTED]."

17 And then there are a few bullet points.  
18 The second one concerns a [REDACTED]. Do you  
19 remember anything about this phone call?

20 A. Looking at this E-mail, I kind of remember  
21 it. I honestly don't remember much about it. I  
22 remember it happening, and I remember following up  
23 with the counties and talking with Clint Walker at  
24 C.I.S.A. But I think this was -- I think we were  
25 asked to be on a call with the F.B.I., and this is

1 a follow-up to that.

2 Q. What do you recall about this situation?

3 A. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. And in fact, if you look at the E-mail  
17 where you forward this on, your -- you forward on  
18 Special Agent Langmack's E-mail internally, then  
19 actually you provide some context on the call where  
20 you indicated [REDACTED]

21 [REDACTED]?

22 A. Yes.

23 Q. And you indicate [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED].

3 Do you see that?

4 A. Yes.

5 Q. And in the parenthetical you indicate that  
6 it's "[REDACTED]

7 [REDACTED]." Right?

8 A. Correct.

9 Q. Was there ever any determination by anyone  
10 that investigated this at the state or federal  
11 level or county level on whether this [REDACTED]

12 [REDACTED]

13 [REDACTED]?

14 A. My memory is that there was no  
15 determination or -- that elections were compromised  
16 at any time.

17 I believe, in talking with some of the  
18 counties, they determined that it had been somebody  
19 in their roads department or some other county  
20 office that they were able to track it down to.  
21 But it as -- the result of all this was that we  
22 never got any information or indication that it had  
23 compromised or affected elections in any way.

24 Q. Now, I just want to make sure the language  
25 is clear, because you said there was no



1 determination. So let me ask a clear question.

2 Was there an affirmative determination  
3 made based on an investigation that [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. No, I don't think there -- I don't think I  
7 ever saw a report to that effect. What I was  
8 stating, I guess, was the conclusion that...

9 Q. Okay. What can you tell me about the  
10 investigation that was done to determine whether

11 [REDACTED]

12 [REDACTED]?

13 A. Well, we contacted all the counties and  
14 had them follow up with us, and I believe they all  
15 followed up back and reported that they had been  
16 able to [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED].

19 I know Merritt took it on the -- on the  
20 Secretary of State's, you know, cybersecurity side  
21 to see if there was anything -- I mean, the  
22 Secretary of State wasn't identified as an agency  
23 that had done this.

24 But he was certainly, he was on the call  
25 and he was aware of the situation. So he went and

1 did whatever he would do to check our system.

2 And --

3 Q. So if you look at -- oh, sorry. Go ahead.

4 A. That's kind of the end of it, after the  
5 counties all followed up and basically said that

6 [REDACTED]

7 [REDACTED]

8 Q. So if you wanted to have a comprehensive  
9 understanding of the investigation and its  
10 findings, who would you ask?

11 A. Probably Merritt Beaver and the county --  
12 and the nine counties.

13 Q. Okay. Why did you include Jordan Fuchs on  
14 your E-mail here regarding this incident?

15 A. Well, she was the Deputy Secretary of  
16 State and was my supervisor.

17 Q. So you report directly to Ms. Fuchs, or  
18 you did?

19 A. Yes. I did.

20 Q. What is Ms. Fuchs's role and  
21 responsibilities generally as the Deputy Secretary?

22 A. I mean, I haven't seen her job  
23 description, but it's -- basically, she dealt with  
24 the different division directors, and she was sort  
25 of the link between us and the Secretary.

1           As I've said before, I didn't have much  
2       direct contact with the Secretary, and I would, you  
3       know, keep -- generally keep Jordan apprised of any  
4       situation that I thought he needed to know about,  
5       or that he would want to know about or should know  
6       about.

7           Q.    I see. So Ms. Fuchs is sort of for the  
8       directors, like when you were the elections  
9       director, was she sort of the conduit for  
10      information to the Secretary; is that fair?

11          A.    She was. Yeah, she was more internally  
12      focused, and the Secretary, I suppose he was sort  
13      of universally focused or maybe a little bit more  
14      exteriorly focused.

15          Q.    Okay. How did you decide what to bring to  
16      the attention of Ms. Fuchs or the Secretary himself  
17      for things that arose when you were elections  
18      director?

19          A.    I just used my judgment and experience and  
20      knowing what -- you know, if it was something that  
21      I thought was going to rise to a -- potentially be  
22      an issue or be something that -- you know, she  
23      dealt primarily with the media.

24                If she was going to get a call from a news  
25      reporter or from somebody about something going on

1 in the office, I wanted her to hear it from me  
2 before she heard from somebody else that something  
3 was going on.

4 So I thought, if I thought she really  
5 needed to know something, I would share it with  
6 her. But at the same time, I didn't want to, you  
7 know, overload her with picayune issues that I  
8 could generally handle -- we could handle  
9 ourselves.

10 But it was -- but it was really a judgment  
11 call based on, you know, working with her for a  
12 while.

13 Q. Did you generally rely on Ms. Fuchs to  
14 determine what got elevated to the level of the  
15 Secretary?

16 A. I would say generally that would -- either  
17 Ms. Fuchs or Ryan Germany, or both like in this  
18 case.

19 Q. All right. Grab -- let's see. What  
20 exhibit are we up to? All right. Grab Exhibit 11,  
21 if you would.

22 (Whereupon, Plaintiff's  
23 Exhibit 11 was marked for  
24 identification.)

25 BY MR. CROSS:

1 Q. And just let me know when you've had a  
2 chance to look at it.

3 A. I've got it. I'm reading it.

4 (Whereupon, the document was  
5 reviewed by the witness.)

6 THE WITNESS: Okay. I've read it.

7 BY MR. CROSS:

8 Q. All right. So Exhibit 11, the most recent  
9 is an E-mail from Kevin Rayburn to Jordan Fuchs,  
10 copying Gabriel Sterling and Secretary  
11 Raffensperger, on April 5th of 2019; correct?

12 A. Yes.

13 Q. If you come to the first E-mail in the  
14 thread at the bottom of Page 3, do you see there's  
15 an E-mail from an account Bret Solid at Gmail.com?

16 A. Yes.

17 Q. And that was sent to a generic "in" box at  
18 the Secretary of State's office called S.O.S.  
19 Contact, on April 4, 2019; right?

20 A. Correct.

21 Q. And the subject line is, [REDACTED]  
22 [REDACTED]; right?

23 A. Yes.

24 Q. And this person writes:

25 "

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]."

8 Right?

9 A. Correct.

10 Q. And it's signed [REDACTED]; correct?

11 A. Yes.

12 Q. And then this is forwarded on to Russell  
13 Lewis at the Secretary of State's office, with a  
14 copy to you and Kevin Rayburn; right?

15 A. Yes.

16 Q. Who is Russell Lewis?

17 A. He was the chief investigator at that  
18 time.

19 Q. Oh, did Frances Watson replace him?

20 A. Yes.

21 Q. Do you know where Ms. Watson is today?

22 A. I believe she's working for the Department  
23 of Revenue.

24 Q. Oh, okay. She's still a State employee,  
25 just not the Secretary's office?

1           A.    I be -- that was -- that was the plan.  I  
2           don't -- but I know she's not at the Secretary of  
3           State's office.  So.

4           Q.    Okay.  All right.  Mr. Rayburn writes  
5           back:

6                               [REDACTED]  
7                               [REDACTED]               [REDACTED]  
8                               [REDACTED]  
9                               [REDACTED]"

10                   Do you see that?

11           A.    Yes.

12           Q.    Then Mr. Germany indicates:

13                               "[REDACTED]  
14                               [REDACTED]"

15                   Right?

16           A.    Correct.

17           Q.    And then if you come up to the first page,  
18           there's an E-mail from MS-ISAC regarding the  
19           situation on April 5th, 2019.  Do you see that?

20           A.    I do.

21           Q.    And here they indicate:

22                               "[REDACTED]  
23                               [REDACTED]               [REDACTED]  
24                               [REDACTED]  
25                               [REDACTED]

1

2

3

4

5

6

7

8

Do you see that?

9

A. I do.

10

Q. Tell me everything you recall about this situation and any investigation that was done and any findings.

13

A. I vaguely remember this coming in. And this is an incident, like I mentioned before, we would report to C.I.S.A. or MS-ISAC or EI-ISAC. I don't know what follow-up was done. I don't re -- I don't recall what we did in follow-up.

18

Q. Are you -- do you recall any findings, for example, on whether

20

21

?

22

A. I don't believe we ever heard anything else or ever had any other communications with this person.

25

Q. If you wanted to get a comprehensive



1 understanding of this situation, the investigation  
2 and any findings, who would you ask?

3 A. I'd probably ask the chief -- the current  
4 acting chief investigator, Jim Callaway, to see if  
5 there's a -- an investigative file.

6 And maybe Merritt Beaver, he -- I don't  
7 see him copied on much of this stuff. Although I  
8 do see him on some of it. But those would be the  
9 two people I would ask.

10 Q. All right. Let's look at Exhibit 12.  
11 Give me one second.

12 (Whereupon, Plaintiff's  
13 Exhibit 12 was marked for  
14 identification.)

15 BY MR. CROSS:

16 Q. All right. Exhibit 12 should come up.  
17 Let me know when you have this and have a chance to  
18 take a look at it.

19 A. It's trying to refresh, but it's just  
20 spinning. Ah, here we go. Let's see.

21 Okay. I've got it up. Let me read it.

22 (Whereupon, the document was  
23 reviewed by the witness.)

24 THE WITNESS: Okay. I've read it.

25 BY MR. CROSS:

1           Q.    All right. Do you see the most recent  
2   E-mail in Exhibit 12 is internal to Fortalice  
3   Solutions on November 2nd, 2020; right?

4           A.    I do.

5           Q.    And I believe you mentioned this earlier.  
6   Fortalice Solutions is an outside cybersecurity  
7   consulting firm that the Secretary's office works  
8   with; is that right?

9           A.    Correct.

10          Q.    Did you have many dealings with Fortalice  
11   or was that other folks, like Mr. Beaver or  
12   Mr. Hamilton?

13          A.    I had very few dealings with Fortalice,  
14   and I would say no dealings with Fortalice outside  
15   of the connection with Merritt Beaver or somebody  
16   on his team.

17          Q.    All right. If you take a look at the  
18   earliest E-mail in the thread, the bottom of the  
19   last page, do you see that this is an E-mail that  
20   Frances Watson sent to Ryan Germany and Jordan  
21   Fuchs in the Secretary's office and Ralph Jones at  
22   Fulton County on October 29, 2020?

23          A.    Yes.

24          Q.    And there is a description of information  
25   that was received by a poll worker. Do you see

1       that in the first line?

2           A.    Yes.

3           Q.    And then what's reported here from

4       Ms. Watson indicates:

5                   [REDACTED]   [REDACTED]  
6       [REDACTED]  
7       [REDACTED]  
8       [REDACTED]   [REDACTED]  
9       [REDACTED]  
10      [REDACTED]  
11      [REDACTED]  
12      [REDACTED]  
13      [REDACTED]  
14           [REDACTED]  
15      [REDACTED]   [REDACTED]  
16      [REDACTED]  
17      [REDACTED]  
18      [REDACTED]  
19      [REDACTED]  
20           [REDACTED]  
21      [REDACTED]  
22      [REDACTED]

23                   Do you see that?

24           A.    I do.

25           Q.    Is this a situation that you're familiar

1 with?

2 A. I remember it. So I mean, I have a --  
3 some familiarity with it. I don't know a  
4 tremendous amount about it.

5 Q. Okay. If you look at the bottom of the  
6 first page, the third E-mail there is one that Ryan  
7 Germany sent to you and others at the Secretary's  
8 office on October 29, 2020, forwarding this [REDACTED]

9 [REDACTED]

10 Do you see that?

11 A. Let me get to that. What page is that on,  
12 the -- an E-mail from Ryan Germany?

13 Q. The bottom of the first page.

14 A. Okay. I see it. Starts "[REDACTED]

15 [REDACTED]"?

16 Q. Yes.

17 A. Okay.

18 Q. And you see that Mr. Germany included you  
19 on that E-mail; right?

20 A. Yes.

21 Q. Okay. So tell me everything you recall  
22 about this situation.

23 A. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED] [REDACTED]

2 [REDACTED]

3 Q. Who would you talk to to get a  
4 comprehensive understanding of this situation, any  
5 investigation or findings?

6 A. I would say either Merritt Beaver, who  
7 would presumably have the report from Fortalice,  
8 and/or the Secretary of State investigations Jim  
9 Callaway to see if they have an investigative  
10 report.

11 Q. Okay. If you look at the third page,  
12 there's an E-mail from it looks like Adrick or  
13 Adrick Hall at the Secretary's office on October  
14 29, 2020. Do you see that?

15 A. I do. At 4:16?

16 Q. Yes. Wait. Yeah, at 4:16 p.m., yes.  
17 Thank you. And Mr. Hall writes:

18 " [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]"

22 Do you see that?

23 A. I do.

24 Q. Would those [REDACTED] typically  
25 go into the investigative file?

1 A. Yes, they would.

2 Q. Okay. And he has, it looks like, in  
3 italics -- oh, no. I'm sorry. [REDACTED]

4 [REDACTED]

5 Mr. Hall writes in his second sentence:

6 "[REDACTED]

7 [REDACTED]"

8 Do you see that?

9 A. Yes.

10 Q. And then he goes on:

11 [As read] "[REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]"

15 Do you see that?

16 A. I do.

17 Q. Is it customary for counties to have  
18 Internet-facing laptops at poll sites during  
19 elections?

20 A. On a -- during advanced voting, it's  
21 essential that they do so that they can mark voters  
22 as having cast their ballots. So that's, yeah,  
23 that's essential during advanced voting. This is  
24 during advanced voting and not on Election Day.

25 On Election Day, they would not have -- I

1 mean, conceivably they could have a laptop for some  
2 other kind of communication with the County, but  
3 the laptop wouldn't be connected to any of the  
4 voting equipment that's going on.

5 Q. Are poll pads not used for early voting?

6 A. Poll pads are only used to encode voter  
7 access cards during early voting. They don't --  
8 the poll pads during early voting don't have any  
9 voter data on them.

10 Q. I see. Okay. Got it. Okay. Thank you.

11 All right. Let me pull up Exhibit 13.  
12 Wait. Shoot. I forgot to put the exhibit label  
13 on. Let me just try to do that now.

14 (Whereupon, Plaintiff's  
15 Exhibit 13 was marked for  
16 identification.)

17 BY MR. CROSS:

18 Q. All right. We'll have to do that later.  
19 It shows up as Exhibit 13. It just doesn't have  
20 the label on it. Let me know when you've got that.

21 A. Okay. I've got it.

22 Q. Okay. Do you see that there's an E-mail  
23 here from, it says Do Not Reply at SOS.GA.gov, sent  
24 to the same address, with the subject [REDACTED]  
25 [REDACTED]?

1           A.     Yes.

2           Q.     Is The Buzz, is that one of the ways in  
3           which the Secretary's office communicates with  
4           counties on election-related issues?

5           A.     Yeah. It's probably the primary way that  
6           I would use to get a message out to all the  
7           counties. And then they would get it when I -- I  
8           would post it on The Buzz, and then the counties  
9           would get an E-mail saying there's a new Buzz post,  
10          go check it out, and then they could read the  
11          message.

12                  It may -- it may actually -- I don't -- I  
13          don't remember if it actually puts the message in  
14          the E-mail or it just tells them there's a new Buzz  
15          post from Chris Harvey, go check it out.

16                  But that's how I would -- and in all the  
17          discussions I've had before, all the answers, when  
18          I say I would send stuff to the counties,  
19          99 percent of the time it was like this.

20          Q.     And what, if any, steps were taken to  
21          preserve relevant communications in The Buzz system  
22          for this litigation?

23          A.     I don't think The Buzz has any type of  
24          expiration or drop-off date, so it should all be  
25          preserved. I mean, that should be -- it should



1 have been covered by the preservation order or the  
2 preservation notice we sent out, but. And it  
3 should all still be there.

4 Q. Do you know if any steps were taken to  
5 search The Buzz system for documents to produce in  
6 this case?

7 A. I don't know.

8 Q. All right. If you take a look, the date  
9 of this is September 25th, 2020, and the subject  
10 line is [REDACTED]

11 [REDACTED]

12 Do you see that?

13 A. Yes.

14 Q. And in the second paragraph -- you wrote  
15 this; right?

16 A. I did.

17 Q. Okay. The second paragraph, you wrote:

18 "[REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]"

24 Do you see that?

25 A. I do.

1 Q. And this relates to the software change we  
2 discussed earlier that the State got -- or Dominion  
3 got E.A.C. approval for; right?

4 A. I believe so.

5 Q. Okay. And so do I understand correctly,

6 [REDACTED]

7 [REDACTED], it was actually a  
8 software update to the operating software of the  
9 B.M.D.s?

10 A. I believe that's correct.

11 Q. Why did you believe at this time that it  
12 was [REDACTED]?

13 A. I suspect that that's -- that's what I was  
14 told. I wouldn't have used the word "[REDACTED]"  
15 you know, loosely. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 It may have been at the time when we got  
19 the -- you know, it says -- at that point, you  
20 know, I said I'd give you an update Monday. It may  
21 have been believed that we would have to have [REDACTED]  
22 [REDACTED] but I can't say specifically.

23 Q. Did the counties have to conduct new L & A  
24 testing after the software upgrade that occurred at  
25 or around this time?

1           A.    I don't remember.

2           Q.    Based on your experience as elections  
3           director, do you have an expectation one way or the  
4           other as to whether they needed to do that?

5           A.    I don't, because I don't recall. And I  
6           didn't have -- and I wasn't part of the  
7           understanding exactly what needed to be updated.

8                   And so if it was -- if the -- if the  
9           experts that knew about the operation of the  
10          B.M.D.s and the displays and the databases would  
11          have -- which would have been, you know, Michael  
12          Barnes primarily and maybe somebody at Dominion,  
13          you know, if they had indicated that there was no  
14          need to do L & A testing, I would have gone with  
15          that. If they had recommended that they redo L & A  
16          testing, I would have gone with that just based on  
17          the nature of what the issue was, which I don't  
18          remember right now.

19          Q.    Got it. Okay.

20                  All right. Grab Exhibit 14, please.

21                               (Whereupon, Plaintiff's  
22                               Exhibit 14 was marked for  
23                               identification.)

24          BY MR. CROSS:

25          Q.    Let me know when you've had a chance to

1 take a look at it.

2 (Whereupon, the document was  
3 reviewed by the witness.)

4 THE WITNESS: Okay. I've read it.

5 BY MR. CROSS:

6 Q. All right. Do you see that Exhibit 14 is  
7 an E-mail that Scott Tucker sent to you and others  
8 at the Secretary's office on October 19, 2020?

9 A. I do.

10 Q. And the subject line refers to Georgia  
11 Advanced Voting 2020 October 19; right?

12 A. I do, yes.

13 Q. And for Mr. Sterling, he's got an E-mail  
14 address here of Gabriel Sterling at Sterling  
15 Innovative. Do you see that?

16 A. I do.

17 Q. What was Mr. Sterling's role with respect  
18 to Georgia elections when he was working at  
19 Sterling Innovative?

20 A. My understanding is that, when he started  
21 at the Secretary of State's office, his position  
22 was chief financial officer and then, when they  
23 were looking for an implementation manager for the  
24 new election system, is that he took a leave of  
25 absence from the Secretary of State's office and

1       worked as a contractor for the Secretary of State's  
2       office as the implementation manager for the new  
3       voting system.

4           Q.    Do you know why --

5           A.    So that's why he had that --

6           Q.    Oh, I'm sorry.

7           A.    -- E-mail --

8           Q.    Go ahead.

9           A.    That's why he had that E-mail address.

10          Q.    Do you know why he didn't fill that role  
11       as an employee of the Secretary's office instead of  
12       as a contractor?

13          A.    I don't know.

14          Q.    Who would know the answer to that?

15          A.    Probably him.  Maybe Jordan Fuchs.

16          Q.    Based on your experience, who at the  
17       Secretary's office would make that decision, would  
18       approve that role?

19          A.    I would think Jordan Fuchs would have --  
20       would have -- would have been part of that  
21       conversation or whatever arrangement was made.

22          Q.    Okay.  All right.  So if we look at  
23       Exhibit 14, Scott Tucker at Dominion Voting  
24       Systems, what is Mr. Tucker's role with respect to  
25       Georgia elections?

1           A.     He was really the primary liaison for  
2     Dominion Voting System. He was our kind of go-to  
3     guy if we had a question about the system. And he,  
4     he sort of, he worked very closely with Michael  
5     Barnes on the equipment, and so he was, you know,  
6     troubleshooting Dominion issues and reporting back  
7     to us, you know, things that they saw and heard.

8           Because they had, Dominion had techs in  
9     every polling place. And so sometimes the techs,  
10    Dominion techs might call him and report something  
11    or share something that either the county wouldn't  
12    share or maybe they would both share it or maybe  
13    just in communications the tech would tell him  
14    something that maybe we didn't know otherwise.

15           So he would generally give us updates on  
16    anything that he saw.

17           Q.    You mentioned Dominion has techs at every  
18    polling place. And that's every --

19           A.    I --

20           Q.    -- polling place involved --

21           A.    And I may have misspoke. I know they had  
22    one at every county. I'm not positive they had one  
23    at every polling place, so I may have misspoken  
24    before.

25           Q.    And that was my -- I was going to try to

1       understand that. About how many techs does  
2       Dominion employ across the state of Georgia during  
3       elections, approximately?

4           A. Well, I know each county had at least one  
5       when the system rolled out in early 2020. Some of  
6       the larger counties had more than one. And so I  
7       would -- and then as the, you know, elections went  
8       on, there were some counties that would hire some  
9       former Dominion techs as employees or contract with  
10      them some other way.

11           So I would estimate there were probably,  
12      you know, when they started with the techs, there  
13      were probably maybe 200, 200 plus techs working in  
14      Georgia for Dominion with -- directly with the  
15      counties.

16           Q. And did that number approximately continue  
17      in your time as the elections director?

18           A. I believe it did. They may have even  
19      added some as we got close to November. But it --  
20      and then I -- my understanding was that, after the  
21      run-offs in 2021, after the Senate run-offs in  
22      2021, Dominion would stop providing that service.

23           It was to be provided I think for the  
24      first year, and then it was up to the counties to  
25      hire techs or contract with other people to do it.

1 I believe that was the understanding.

2 Q. Okay. And that gets to what I want to try  
3 and understand. So the documents produced by the  
4 State, it looks like typically, whenever there are  
5 technical issues that arise with the B.M.D. system,  
6 whether it's with the B.M.D.s, the scanners, the  
7 printers, really any aspect of the system, they  
8 typically turn to someone like Scott Tucker or  
9 Dominion techs to help with that.

10 Is that generally how that worked, at  
11 least through 2020?

12 A. It depended. They often did. But Michael  
13 Barnes would normally be the person that was -- he  
14 was sort of our machine guy. So he was working,  
15 you know, side by side with Scott with several  
16 people, too. So it was kind of a joint effort, but  
17 a lot of times it would be Dominion techs.

18 Now, a lot of times they would report  
19 something to the counties, and the counties would  
20 report it to us, and then we'd get both Michael  
21 Barnes's and Dominion's team to work together to  
22 figure out what the issue was. So it was a -- it  
23 was a very collaborative process.

24 Q. What changed with respect to Dominion's  
25 technical support responsibilities or the service



1       that it was providing at the end of that one-year  
2       period that you mentioned?

3           A.     And I can't remember if it was -- if it  
4       ended after the first year or if it ended -- if it  
5       ends at the end of 20 -- well, I think it ended  
6       maybe in 2021.

7           I know that most of the stuff that  
8       Dominion -- that dealt with Dominion's stuff was  
9       covered by the counties -- by the State for two  
10      years with the counties.

11          So things like warranties and all that  
12      stuff had a two-year life, so basically starting in  
13      mid, I guess mid-2019. I don't know if it went  
14      back to when the contract was signed or after the  
15      first election.

16          But support was going to drop off either  
17      after one year or two years. And at that point  
18      counties would have to start either, you know,  
19      doing it themselves or bearing the cost and working  
20      with individual techs themselves.

21          Q.     So counties have, to your understanding,  
22      the ability to contract, like, Dominion techs, for  
23      example, at their own expense today; is that right?

24          A.     They, yeah, they have always had that  
25      ability. It's just Dominion provided a certain

1       number, usually one per county, maybe a few more.  
2       Like, Fulton County may have gotten, you know,  
3       three to five, DeKalb may have gotten, you know,  
4       three or four. But most counties would have gotten  
5       one.

6               But they could have -- they could have  
7       contracted with people themselves to have somebody  
8       else if they wanted.

9               Q.    We talked about earlier an E-mail that you  
10       had sent indicating that you need to protect  
11       against bad actors who might be part of the -- who  
12       might be an election worker or have access to the  
13       election system that could to do things they're not  
14       authorized to do.

15               Do you remember that discussion?

16               A.    I do.

17               Q.    In fact, one of -- one of the concerns the  
18       Secretary's office has raised about hand-marked  
19       paper ballots in our case is that an insider, as  
20       they use that term, could alter ballots or even  
21       throw out ballots.

22               Are you familiar with that?

23               A.    I'm not specifically familiar with what  
24       they've said about that, but I know that that's, in  
25       general discussions about election security, that's

1 a -- that's a common thing to be aware of and  
2 defend against.

3 (Whereupon, Ms. Conaway joined the  
4 deposition.)

5 BY MR. CROSS:

6 Q. What security checks or background checks  
7 do Dominion techs go through before they are given  
8 access to key components of the Georgia election  
9 system?

10 A. I don't know.

11 Q. Who would you ask to find out?

12 A. Dominion. Scott -- I believe Scott Tucker  
13 is still in that role, but I would ask him.

14 Q. So that that, that security check is  
15 something that the Secretary's office and the  
16 counties rely on Dominion for; is that fair?

17 A. I believe so, yes. Yeah, I -- we -- now,  
18 I don't know if counties may have done their own  
19 checks. I don't -- I don't believe I recall that  
20 question coming up. So I don't know if any county  
21 may have done something else. I sus -- you know, I  
22 just don't know.

23 Q. Well, the Secretary's office at least  
24 relies on Dominion for the background checks on  
25 Dominion techs; is that fair?

1           A.     That's my understanding. And I don't know  
2           whether there's anything specified in the contract  
3           about that or not. That was kind of out of my  
4           bailiwick.

5           Q.     Is there anyone at the Secretary's office  
6           you would expect to be able to provide insight on  
7           that?

8           A.     Gabriel Sterling.

9           Q.     All right. Let's take a look at Exhibit  
10          15.

11                               (Whereupon, Plaintiff's  
12                               Exhibit 15 was marked for  
13                               identification.)

14                               (Whereupon, the document was  
15                               reviewed by the witness.)

16                               THE WITNESS: Okay.

17          BY MR. CROSS:

18           Q.     All right. Do you see that exhibit --  
19           what are we on, 15? Yeah. Do you see that, sorry,  
20           do you see that Exhibit 15 is an E-mail from Kay  
21           Stimson at Dominion that you received on November  
22           8, 2020?

23           A.     Yes.

24           Q.     And the subject line is Voting Issue in  
25           Georgia; correct?

1           A.     Correct.

2           Q.     And the E-mail thread begins with an  
3     E-mail from Jen Daulby, D-A-U-L-B-Y, on the same  
4     date. Do you see that?

5           A.     I do.

6           Q.     And are you familiar with Ms. Daulby?

7           A.     I believe I've heard the name, but no,  
8     other than that. The name sounds familiar, but I  
9     couldn't tell you who she is.

10          Q.     And her E-mail is a -- looks to be an  
11     official E-mail from the Georgia House; right?

12          A.     That's probably why her name is familiar.

13          Q.     In fact, she -- her signature line  
14     indicates she's a Republican staff director for the  
15     Committee on House Administration; right?

16          A.     Okay.

17          Q.     And then she writes here to Ms. Stimson at  
18     Dominion Voting:

19                 "We are having issues observing  
20                 the Georgia-7 race. There have been  
21                 irregularities with machine counts,  
22                 and your techs are coming to reprogram  
23                 the machines."

24                 Do you see that?

25          A.     I do.

1           Q.    Tell me everything you know about this  
2           situation.

3           A.    I don't know anything about this specific  
4           situation. I can tell you that a lot of times,  
5           when non-election people talk about machines and  
6           doing things with machines, they often use  
7           imprecise language that -- you know, reprogramming  
8           and, you know, irregularities that are -- that are  
9           very vague and may or may not be accurate. But I  
10          don't remember anything about this.

11          Q.    Who would you ask if you wanted to get a  
12          comprehensive understanding of this situation and  
13          any investigation or findings?

14          A.    I would check with the -- with Jim  
15          Callaway at the Secretary of State to see if there  
16          was an investigation. I think that's where I  
17          would -- that's where I would look.

18          Q.    Okay. What is Ms. Stimson's role at  
19          Dominion?

20          A.    I believe she's the head of their media  
21          relations department. I'm not exactly sure what  
22          her title is, but I think she's one of their, if  
23          not their prime, one of their primary public res --  
24          public relations people.

25          Q.    Did you deal with Ms. Stimson from time to

1 time as elections director?

2 A. I did. I spoke with her, I would say  
3 about half a dozen times maybe, and then a --  
4 leading up to the election, and then probably a  
5 couple times after the election. But it wasn't  
6 a -- it wasn't a real common thing for me to talk  
7 with her.

8 Q. What sort of issues did Ms. Stimson get  
9 drawn into regarding Dominion and Georgia elections  
10 in your experience?

11 A. I think prior to the general election, our  
12 conversations were about, you know, community  
13 outreach and producing materials to go out to  
14 voters or to put on our Web site that would help  
15 familiarize people with the voting system. Those  
16 would have been most of the conversations.

17 Because we had a pretty vigorous education  
18 campaign, really particularly before COVID hit,  
19 where we were doing a lot of outreach, we were  
20 doing a lot of public appearances and demonstration  
21 on the machines and things like that.

22 And then, you know, after the election I  
23 remember having a couple conversations with her,  
24 but I don't know -- I don't really remember what  
25 they were about. I think it was mainly just a

1       checking in to see how things were going, that kind  
2       of stuff.

3           Q.     All right. Mr. Harvey, again, if you  
4       could just stay a little bit closer to the  
5       computer.

6           A.     Sorry about that.

7           Q.     Yeah. That's all right.

8                   But in the E-mail here from Ms. Daulby at  
9       the Georgia House where she indicates Dominion  
10      techs are coming to reprogram the machines, do you  
11      know what rights Dominion techs had with respect to  
12      voting machines? Like, do they have administrator  
13      access, for example?

14           A.     They generally did not absent supervision  
15      of the county election director or their designee.  
16      The purpose of the techs was really to work  
17      directly alongside county people so that they could  
18      teach the county people how to do the stuff and  
19      really to be more of a resource or a coach than an  
20      employee to do stuff.

21                   Now, in some cases, you know, they might  
22      go out to a polling place to deal with something  
23      like a jammed scanner that a poll worker couldn't  
24      deal with.

25                   But the idea behind the techs was not that



1       they were to -- they were to run the election or  
2       anything like that, but they were to be there to  
3       provide answers and instructions on stuff if the  
4       County got stumped on how you do something.

5               A lot of the stuff was, you know, just  
6       familiarization, re-teaching somebody, hey, this is  
7       how you -- this is how you clear a jam in a  
8       scanner, this is -- you know, that kind of stuff.

9               So I can't tell you what each individual  
10      county, how they used their techs. I -- you know,  
11      some -- and you know, some counties had good  
12      experiences with techs and ended up hiring them  
13      after the trial period or the support period, but I  
14      couldn't tell you exactly what type of  
15      administrator rights they would have had.

16              Q.     Some Dominion techs did receive  
17      administrator access to Dominion voting equipment;  
18      right?

19              A.     I don't know that.

20              Q.     Oh, okay. What about for the E.M.S., did  
21      the Dominion techs have access at any level to  
22      county E.M.S. servers?

23              A.     Again, that -- they -- you know, you'd  
24      have to ask each county. It certainly was the --  
25      our expectation with the counties that they were to

1 work with E.M.S.

2 Now, you know, they often would have the  
3 techs at their side doing it, again, in some sense  
4 maybe walking them through the process or  
5 confirming that they were doing the right thing.  
6 But it was -- it was our expectation of the  
7 counties that the counties were doing that.

8 Now, you know, depending on how good  
9 somebody was with the E.M.S. system, they may have  
10 had more or less help with it from a tech.

11 Q. Who at the state level has administrator  
12 access to voting equipment in Georgia?

13 A. Well, what -- I mean, that's a very big  
14 question. The -- as far as the local E.M.S. and  
15 things like that, those would be county  
16 restrictions. So nobody at the state would have  
17 access to, you know, Cobb County's E.M.S. password.

18 We would have -- I think state employees  
19 might have access to the E.N.R. system to help a  
20 county, like, if they got logged out or something  
21 like that.

22 But generally speaking, the passwords and  
23 the access to local election equipment are -- the  
24 state election equipment that's operated by the  
25 counties is a county issue that we wouldn't have.

1 I certainly didn't have a notebook that  
2 had, you know, county passwords or anything like  
3 that. And nor do I believe anyone in the state  
4 did.

5 Q. Who has administrator access to components  
6 of the election system at the state level?

7 A. Well, I guess it depends on what  
8 components you're talking about. For ENet it would  
9 generally be I would have access. The assistant  
10 administrator would have had access.

11 Merritt Beaver and/or people he designated  
12 in his team would have had access. I believe Kevin  
13 Rayburn when he was the deputy would have had  
14 access. But a pretty small number of people for  
15 the -- for the ENet system, and pretty much  
16 everything else was local.

17 I mean, there were -- there are no other  
18 really connected networks that talk to each other.  
19 I mean, the Lowndes County E.M.S. didn't talk with  
20 the -- anything at the state. It had to be -- the  
21 data had to be pulled from it and sent to E.N.R.  
22 for us to get it.

23 So there wasn't -- there really weren't  
24 statewide networks except for ENet.

25 Q. Okay. So you had passwords, you had

1 administrator access to ENet; is that right?

2 A. Correct.

3 Q. What about the E.M.S., the state E.M.S.  
4 server?

5 A. There's -- what do you mean by "state  
6 E.M.S. server"?

7 Q. Well, my understanding is there are E.M.S.  
8 servers at the county level that the counties rely  
9 on, but there's also a state level, at least one,  
10 maybe more than one, E.M.S. server as well.

11 A. I'm not aware of that. Michael Barnes  
12 would be able to answer that. But there's -- I  
13 don't -- I don't think that's the case.

14 Q. Okay. All right. Grab exhibit, I think  
15 we're up to 16, please.

16 (Whereupon, Plaintiff's  
17 Exhibit 16 was marked for  
18 identification.)

19 THE WITNESS: I'm reading it now.

20 (Whereupon, the document was  
21 reviewed by the witness.)

22 THE WITNESS: Okay.

23 BY MR. CROSS:

24 Q. Oh, and before we look at this document,  
25 just a follow-up on what we were talking about, did

1 the State provide security policies to the counties  
2 for how to manage access to passwords for  
3 components of the election system?

4 A. I don't think we -- I don't think we  
5 issued specific guidelines other than sort of the  
6 standard, you know, admonitions to, you know, keep  
7 them secure, don't put them on a Post-it note on  
8 the monitor, that kind of thing. I don't think  
9 there was a specific password protection policy or  
10 something that we had.

11 Q. And so there's not, like, a state level  
12 policy that indicates who at the county level or at  
13 any level is allowed to have access to  
14 administrator passwords for the election system?

15 A. No, there's not.

16 Q. That's something the counties determine  
17 themselves?

18 A. Correct.

19 Q. All right. Take a look at Exhibit 16, if  
20 you would. The -- at the top of Exhibit 16, this  
21 is an E-mail that you sent to Scott Tucker and  
22 David Greenwalt on November 17, 2020; correct?

23 A. Yes.

24 Q. Okay. And if we come down, this thread  
25 originates with an E-mail from David Greenwalt at

1       KNOWiNK on November 13, 2020. Do you see that?

2           A.    I do.

3           Q.    And it concerns an update to the firewall  
4       rules for the poll pads; right?

5           A.    Yeah. For the -- for the Meraki, which is  
6       the secure -- I talked before about when they --  
7       when they're uploading material into the poll pads.  
8       It's done under the protection of this Meraki  
9       system.

10          Q.    So the Meraki system is some sort of  
11       secure system that sits on the poll pad?

12          A.    No. It's installed in the location where  
13       the county updates their poll pads.

14          Q.    Got it. Okay.

15                Is it installed on, like, a computer or a  
16       server?

17          A.    No. It's installed, I think it's  
18       installed in a -- in a building almost like a --  
19       like you'd plug in, like, a network extender or  
20       something like that. I think it's a -- it's a  
21       free-standing device.

22          Q.    I see.

23                And what's the security the Meraki  
24       provides?

25          A.    I'm not sure. I don't know all the

1 technical or any of the technical specifications of  
2 what the Meraki does. But I know it provides  
3 security for when the poll pads are receiving the  
4 uploads of the voter lists.

5 Merritt Beaver would --

6 Q. This is -- sorry. Go ahead.

7 A. I was going to say, Merritt Beaver would  
8 be able to explain how it works.

9 Q. Is it essentially a firewall protection?  
10 And if you don't know, that's fine.

11 A. I don't know. I don't know if it's a -- I  
12 don't know if it's -- no, I don't know.

13 Q. Okay. That's fine.

14 All right. Take a look at, after  
15 Mr. Greenwalt's E-mail comes out, there's an E-mail  
16 from Wanda Burke at a Gmail address to you,  
17 forwarding Mr. Greenwalt's E-mail on November 17,  
18 2020.

19 Do you see that?

20 A. I do.

21 Q. And Ms. Burke in her signature block  
22 indicates that she's a Jenkins County probate  
23 judge. Do you see that?

24 A. I do.

25 Q. Do you know why a Jenkins County probate

1 judge received Mr. Greenwalt's E-mail about  
2 updating the firewall rules for the poll pads?

3 A. Well, I don't think she received his  
4 E-mail. His E-mail was sent to tech support  
5 Nicholett Jones and Samantha Sims.

6 Q. Right. But if you look at her -- at the  
7 thread, it goes from his E-mail to her E-mail, and  
8 the subject line you can indicate -- you can see is  
9 a forward. So she's forwarding Mr. Green --

10 A. Okay. That may have been forwarded by  
11 somebody else, but okay. I see what you're saying.

12 Q. I see.

13 So as you sit here, you don't, you just  
14 don't know how Ms. Burke received this?

15 A. Correct.

16 Q. All right. Okay.

17 A. And Ms. Burke is the election  
18 superintendent. In about 35 counties in Georgia,  
19 the probate judge is the election superintendent.

20 Q. Ah, okay. All right. So it wouldn't be a  
21 surprise that she would have this E-mail, then,  
22 because she's --

23 A. No, I --

24 Q. -- the election --

25 A. Yeah, she's the -- she's the county



1 election superintendent in Jenkins County.

2 Q. Okay. All right. Thank you. That's  
3 helpful.

4 All right. So if you look at her E-mail,  
5 she writes to you:

6 "I have not received anything from  
7 the Secretary of State stating we  
8 would receive anything about updating  
9 our firewall."

10 She references the message below. She  
11 then goes on:

12 "Is this something that the State  
13 has approved. My I.T. department  
14 wanted verification before they  
15 proceeded."

16 She then goes on in the next paragraph:

17 "Also, a lady came to my office  
18 while I was at a funeral today stating  
19 she was here to wipe out everything in  
20 my adjudication program from the last  
21 election.

22 [As read] "I have not been  
23 notified by Secretary of State that  
24 anyone had the authority to touch my  
25 E.M.S. system. My clerks would not

1 allow her to have access."

2 Do you see that?

3 A. I do.

4 Q. And then you forward this on to Scott  
5 Tucker and David Greenwalt on November 17. Do you  
6 see that?

7 A. I do.

8 Q. And then you ask in the last question:

9 "Are both of these things  
10 generated by you?"

11 Do you see that?

12 A. I do.

13 Q. Tell me everything you recall about this  
14 situation, including a woman coming in to the  
15 Jenkins County election office wanting to wipe  
16 their adjudication program and getting access to  
17 the E.M.S. system?

18 MR. RUSSO: Objection the form.

19 Lacks foundation.

20 THE WITNESS: I don't remember much  
21 about it except seeing the E-mail. I  
22 remember seeing the E-mail. But as to  
23 what may have -- how it was resolved or  
24 what it was determined, I don't have any  
25 memory of how -- what was done after this.

1 BY MR. CROSS:

2 Q. Who would you ask?

3 A. I would ask Scott Tucker and James  
4 Greenwalt.

5 Q. Was this the kind of thing that would get  
6 referred to Mr. Callaway's department or then  
7 Frances Watson's department?

8 A. It depends. It depends on what they would  
9 have told me. And they may have E-mailed me back  
10 or they may have picked up the phone and called me.

11 If it was -- if it was some kind of  
12 misunderstanding in talking with Judge Burke and,  
13 you know, we were able to figure out that, okay,  
14 this is really what happened, it may not have been.

15 If it was, you know, if it was determined  
16 that we didn't send anybody there to do anything,  
17 then that would have been the kind of thing to have  
18 gone to investigations.

19 Q. Okay. But you --

20 A. But you had --

21 Q. Sorry. Go ahead.

22 A. You had -- you had, you know, you had  
23 Dominion, you had KNOWiNK, you had us, a lot of  
24 communication going back and forth, and sometimes  
25 one of the other groups would get out ahead of us.

1                   And we had tried to, and were generally  
2                   pretty successful but not always, of getting  
3                   Dominion or KNOWiNK or anybody to let us know about  
4                   changes or things they needed to do, because we  
5                   wanted to be the trusted source of information that  
6                   the counties relied on.

7                   And if we told them that, hey, somebody's  
8                   going to come to do this, we wanted to let them  
9                   know so that they would -- they would feel secure  
10                  in doing that.

11                 Q.     Would it have been unusual for KNOWiNK or  
12                   Dominion to send someone to an election county --  
13                   I'm sorry, to a county election office to wipe  
14                   everything on -- in an adjudication program from a  
15                   prior election?

16                 A.     Yeah.   That would not have been -- that  
17                   would not have been something I would have expected  
18                   to see.

19                 If something would have needed to have  
20                   been done, you know, like that, and I can't imagine  
21                   why anything like that would need to happen, that  
22                   would be something that they would coordinate with  
23                   their tech and ideally with us so that we could  
24                   say, hey, this is the problem, this is what they're  
25                   going to do, and it's okay.

1                   Which is -- which is why I sent the E-mail  
2           saying, hey, you know, please let us know if you're  
3           sending stuff out to the counties that we need to  
4           know about.

5           Q.     Okay. Want to do one more exhibit before  
6           lunch or you want to break now?

7           A.     We can do one more.

8           Q.     Okay. All right. Take a look at Exhibit  
9           17, if you would, please.

10                               (Whereupon, Plaintiff's  
11                               Exhibit 17 was marked for  
12                               identification.)

13                               (Whereupon, the document was  
14                               reviewed by the witness.)

15                   THE WITNESS: Okay.

16           BY MR. CROSS:

17           Q.     All right. Do you see -- do you see that  
18           Exhibit 17 is an E-mail that Scott Tucker of  
19           Dominion sent you and some other folks on November  
20           17, 2020?

21           A.     Yes.

22           Q.     Who is -- so Blake Evans is the person who  
23           replaced you in your role; right?

24           A.     Yes. But at the time -- okay, yeah, he  
25           was working with us, yeah. Blake at that -- at

1       this time he would have been the deputy director.

2           Q.     Were -- was there a time where Blake Evans  
3       was working with you guys at the Secretary's office  
4       but was not an employee?

5           A.     No.   Blake Evans had worked at Fulton  
6       County before he came to work for us.   I think he  
7       came to work for us in July of 2020.

8           Q.     Okay.

9           A.     And I was looking at the date, and for  
10      some reason I was thinking it was 20 -- he hadn't  
11      come here yet, but I'm getting my '20s and '21s  
12      mixed up.

13          Q.     The pandemic will do that to you.

14          A.     Yeah.

15          Q.     So Mr. Evans is on this E-mail, and  
16      Mr. Barnes we've talked about.   The other recipient  
17      is Gabrielle Holland.   Who is that?

18          A.     At the time she was an attorney working in  
19      the Secretary of State's -- she was the elections  
20      attorney working in the Secretary of State's  
21      office.

22          Q.     So that's Gabrielle Holland; is that  
23      right?

24          A.     Correct.

25          Q.     Okay.   All right.   So briefly on this, if

1       you look at the first E-mail in the thread, the  
2       bottom of the first page continuing to the top of  
3       the second, this is an E-mail that Scott Tucker at  
4       Dominion sent only to you, with the subject line  
5       Memory Cards, on November 17, 2020; right?

6           A.    Yes.

7           Q.    He writes to you --

8           A.    You said November 17th; right?

9           Q.    Yes.   November 17th.

10          A.    Yeah.

11          Q.    And he writes to you:

12                "Chris, is there a rule or law  
13                that states how long the counties need  
14                to retain the memory cards from the  
15                scanners before being reused?"

16                Do you see that?

17          A.    I do.

18          Q.    And he indicates:

19                "Clarke County is looking at  
20                buying additional cards because of a  
21                45-day retention period."

22                Do you see that?

23          A.    I do.

24          Q.    And then you respond to him the same day,  
25       and that's when you add Ms. Holland and Mr. Barnes

1       and Mr. Evans. Do you see that?

2           A. I do.

3           Q. And you write:

4                   "The period to request a recount  
5                   is two business days after  
6                   certification..."

7                   And then you quote an S.E.B. rule on  
8       memory cards; right?

9           A. Yes.

10          Q. Did you have any understanding as to  
11       whether memory cards used in elections during the  
12       pendency of this litigation, whether those were  
13       required to be preserved for the purpose of this  
14       case irrespective of the time lock under the S.E.B.  
15       rules?

16          A. Can you ask that again, please?

17          Q. Sure. Yeah. Sorry.

18                 So we talked before, you understand -- in  
19       fact, it's one of the topics that you're designated  
20       on as a corporate rep concerns the efforts that the  
21       Secretary's office made to preserve information for  
22       this litigation; right?

23          A. Yes.

24          Q. All right. Do you have any understanding  
25       as to whether the Secretary's office and anyone



1 acting at their direction had an obligation to  
2 preserve memory cards for elections that occurred  
3 during the time of this lawsuit?

4 A. I don't believe that that was my  
5 understanding, that we were required to preserve  
6 all memory cards from elections that would be going  
7 forward.

8 Q. Do you have any understanding as to  
9 whether you were required to preserve the data on  
10 those memory cards, such as copying it to another  
11 media?

12 A. I don't think so.

13 Q. And is it customary for counties to reuse  
14 memory cards from one election to the next to cut  
15 down on costs, for example?

16 A. Yes.

17 Q. Do I understand right, when a memory card  
18 is reused, the data from the prior elections would  
19 be lost, right, on the memory card?

20 A. In the old system, not necessarily. On  
21 the old -- the old system, I believe it could be  
22 recovered. I don't know whether that's the case in  
23 the new system.

24 Q. So they -- so in the old system at least,  
25 they -- the counties typically would not wipe a

1       memory card before reusing it; is that your  
2       understanding?

3           A.     Right. My understanding is, when they --  
4       when they would format them for a new election, the  
5       old data would still be on there. It would just  
6       kind of refresh them with the new -- with the  
7       ability to receive new information is my  
8       understanding.

9           Q.     And you just don't know one way or the  
10       other whether that holds for the B.M.D. system?

11          A.     That's correct.

12          Q.     Okay. All right. You want to take a  
13       break now?

14          A.     Sure.

15               MR. CROSS: Okay. So well, let's go  
16       off the record.

17               THE VIDEOGRAPHER: The time is 12:20  
18       p.m. We're off the record.

19               (Whereupon, a discussion ensued  
20       off the record.)

21               (Whereupon, there was a luncheon  
22       recess.)

23               THE VIDEOGRAPHER: The time is 12:50  
24       p.m. We're on the record.

25       BY MR. CROSS:

1           Q.    Mr. Harvey, did you have any  
2           responsibility with respect to audits in the state  
3           election audits?

4           A.    I would say I had responsibility in that  
5           we had to do them, but generally those details were  
6           carried out by people that worked with me.

7           Q.    Okay. Do I understand right that the  
8           Secretary's office entered into a contract with  
9           VotingWorks to help with audits, election audits?

10          A.    I know -- I know we worked with them. I  
11          don't know any details of a contract, but I assume  
12          there was something.

13          Q.    And VotingWorks uses a system called Arlo;  
14          is that right?

15          A.    That's correct.

16          Q.    And for the audits that have been done to  
17          date, election audits in the state, they've used  
18          Arlo, at least in part, for the audit; right?

19          A.    Yeah, we did that in -- after the November  
20          election, we used VotingWorks and Arlo.

21          Q.    Do you know negotiated the contract  
22          between the Secretary's office, or whoever, between  
23          the State of Georgia and VotingWorks?

24          A.    I don't.

25          Q.    Who would you ask if you wanted to know?

1           A.     Gabriel Sterling.

2           Q.     Somebody needs to mute.  Let's see.

3                    Okay.  Do you know what the compensation  
4     arrangement is between Georgia and VotingWorks for  
5     any audit services VotingWorks provides?

6           A.     I don't.

7           Q.     Is that something you expect Mr. Sterling  
8     to know?

9           A.     I would.

10          Q.     Okay.  The audit of the presidential  
11     election in 2020, what involvement did you have in  
12     that?

13          A.     I pretty much, my main job was to  
14     communicate with the counties and kind of get the  
15     counties on board and informed as to how it was  
16     going to go, that was my main role, and then while  
17     it was going, to receive feedback from them or hear  
18     concerns or issues or problems and stuff like that.

19          Q.     Who designed the protocol that was used  
20     for that audit?

21          A.     I think it was mostly VotingWorks.

22          Q.     So your understanding is that the  
23     Secretary's office and the counties largely relied  
24     on VotingWorks to determine what methods or  
25     procedures would be used for that audit?

1           A.    No.  I -- Secretary Raffensperger decided  
2           to do the hand recount.  So that was -- that was  
3           the -- that was the form of the audit.  Now, in  
4           terms of how best to accomplish that, we worked  
5           with VotingWorks and other people to come up with a  
6           manageable way for the counties to do it.

7           Q.    Okay.  What went into the decision,  
8           Secretary Raffensperger's decision to do the hand  
9           recount or audit of the 2020 presidential election?

10          A.    I don't know.

11          Q.    Who would know that?

12          A.    Probably Ryan Germany, Gabriel Sterling  
13           and Jordan Fuchs and the Secretary.

14          Q.    Okay.  So no one ever explained to you the  
15           reason that that was done?

16          A.    We -- no, I would say no, nobody ever sat  
17           down and explained why this was being done, but I  
18           understood why it was being done.

19          Q.    What was your understanding?

20          A.    That due to the closeness of the race and  
21           the concern that that was the -- I mean, we had to  
22           do one risk-limiting audit under the statute, and  
23           that was clearly the one with the most interest and  
24           consequence.

25                   And I sup -- I mean, not that I was asked,

1 but I supported the decision.

2 Q. And the audit we're talking about looked  
3 at the human readable portion of the ballots; is  
4 that right?

5 A. That's correct.

6 Q. And do you have an understanding as to why  
7 a decision was made by Secretary Raffensperger to  
8 do that rather than just rescan the ballots and  
9 rely on the Q.R. code tabulation?

10 A. I don't know -- I don't know the reason he  
11 decided to do that, no.

12 Q. Well, what did the audit of the human  
13 readable portion offer that scanning the Q.R. codes  
14 did not in terms of validating the election  
15 outcome?

16 A. It allowed, you know, independent people  
17 to evaluate the ballot and determine the, you know,  
18 the voters' intent based on what was printed out.  
19 And so it was a -- it is, an audit as a way of  
20 comparing to the Q.R. code that was used in the  
21 original election and then the recount.

22 Q. I guess what I'm -- sorry. I guess what  
23 I'm not getting, Mr. Harvey, is what does  
24 tabulating the ballots based on the human readable  
25 text offer voters that they don't get from a

1 tabulation of the Q.R. code?

2 A. It would confirm or confound the reading  
3 of the Q.R. code. And so if you -- if you scan  
4 them and you come up with a number for the Q.R.  
5 code and then you go back and you count them by  
6 hand and see if that number is, you know, the same  
7 or very close or very disparate, and then you  
8 could, you know, depending on what the result is,  
9 you could, you know, deal with whatever that issue  
10 was.

11 Q. But if the expectation is that the  
12 election system is reliably tabulating the Q.R.  
13 code, why does tabulating the human readable  
14 portion offer anything more to voters?

15 A. Well, it -- when you do an audit, my  
16 understanding of an audit is it's designed to,  
17 again, either confirm results or to show that  
18 there's some problem with the results.

19 So you would want an alternative method to  
20 independently, as independently as possible,  
21 compare to the first run, you know, the Q.R. code  
22 produced these results, let's use an alternative  
23 method that -- and then see if we get the same  
24 results.

25 And if you do, it tends to be a

1 confirmation. If you don't, it indicates that  
2 there's some disconnect somewhere.

3 Q. Are you aware that the Dominion equipment  
4 that the State currently has, the scanners are  
5 capable of tabulating the human readable portion of  
6 the B.M.D. printed ballots?

7 A. Ask that again, please.

8 Q. Sure. So and just to break it down if it  
9 helps, the B.M.D. ballot that con -- that's printed  
10 in the current system has a Q.R. code and it's got  
11 a human readable portion; right?

12 A. Correct.

13 Q. And right now the system tabulates the  
14 Q.R. code; right?

15 A. Correct.

16 Q. Are you aware that the Dominion scanners  
17 that are used in the current system are capable of  
18 tabulating the human readable portion of the  
19 ballot?

20 MR. RUSSO: Objection to form.

21 THE WITNESS: No, I'm not.

22 BY MR. CROSS:

23 Q. That's not something anyone ever told you  
24 as the elections director for Georgia?

25 A. I don't believe so.



1           Q.     So that may dictate the answer to the next  
2     question, but I'll ask it anyways. Do you have any  
3     insight or understanding as to why Georgia  
4     tabulates the Q.R. code rather than using the same  
5     equipment to tabulate the human readable portion of  
6     the ballots?

7           MR. RUSSO: Objection to form. He  
8           said he didn't know if the machine could  
9           tabulate based on the human readable form.

10          THE WITNESS: No, I don't.

11          BY MR. CROSS:

12          Q.     Are you aware of any discussion or  
13     consideration at the Secretary's office on whether  
14     to tabulate the human readable portion with the  
15     existing system?

16          A.     I'm not aware of any.

17          Q.     Okay. The audit that was done on the  
18     presidential election in 2020 in Georgia, do I  
19     understand correctly that, during that audit, no  
20     one compared the human readable portion of a  
21     specific ballot to how the Q.R. code on that ballot  
22     was tabulated? Right?

23          A.     That's correct.

24          Q.     Do you know why that was, that that was  
25     not done?

1           A.     I don't think there would be any way to  
2     have a record of identifying how this particular  
3     ballot that I'm holding in my hand during the audit  
4     was scanned. So I don't -- I don't think there's a  
5     way to do that even if you wanted to.

6           Q.     Well, there were two different things done  
7     to try to verify the presidential election in  
8     Georgia in 2020. One was the manual read or audit  
9     of the human readable portion and the other was  
10    rescanning the Q.R. codes; right?

11           MR. RUSSO: Objection to form. Lacks  
12    foundation.

13           THE WITNESS: Yeah. We did both.

14    BY MR. CROSS:

15           Q.     Right. And so one of the things that  
16    could have been done was election workers could  
17    have read the human readable portion of a ballot  
18    and then scanned that ballot and see how the  
19    scanner tabulated the Q.R. code and whether it came  
20    up with the same selections that are on the human  
21    readable portion.

22                   That could have been done with a random  
23    sample of ballots; right?

24           A.     I suppose it could have been done.

25           Q.     Do you know why that was not done?

1 A. No.

2 Q. Are you aware of any discussion or  
3 consideration of whether to do that?

4 A. I -- no, I don't believe so.

5 Q. You said that --

6 THE VIDEOGRAPHER: I'm picking up  
7 somebody's --

8 MR. CROSS: Yeah. Hey, Hannah?

9 MR. RUSSO: That's not on our side.

10 MR. CROSS: No, no. Hannah, you need  
11 to mute.

12 THE VIDEOGRAPHER: I went ahead and  
13 muted.

14 MR. CROSS: Okay. Thanks. All  
15 right. Sorry about that. And Hannah's  
16 with us, by the way.

17 BY MR. CROSS:

18 Q. Mr. Harvey, you mentioned that one of the  
19 things that you did with respect to the audit was  
20 that you received concerns or feedback from the  
21 counties; is that right?

22 A. That's correct.

23 Q. What were the concerns and feedback that  
24 you received from counties about the 2020  
25 presidential audit?

1           A.    I think most of them had to do with,  
2       excuse me, with questions about observers and  
3       monitors and spacing and more the logistics of, you  
4       know, how many people can come in, what -- how  
5       restrictive, how free, that kind of stuff. Those  
6       were -- those seemed to be most of the questions  
7       and comments I got.

8           Q.    Didn't some of the counties raise a  
9       concern on whether the State rules actually allow  
10      an audit of every single ballot?

11           MR. RUSSO:  Objection.  Form.

12           THE WITNESS:  I don't recall that.  I  
13      don't recall that happening.

14      BY MR. CROSS:

15           Q.    Well, the state election rules say that an  
16      audit has to use a random sample of ballots; right?

17           MR. RUSSO:  Objection.  Form.

18           THE WITNESS:  I don't have the rules  
19      memorized.  I don't know that.

20      BY MR. CROSS:

21           Q.    You just don't recall one way or the  
22      other?

23           A.    I don't.

24           Q.    Okay.  But to be clear, the audit that was  
25      done for the 2020 election did not use a random

1 sample, they -- the effort was to review the human  
2 readable portion of every ballot; is that right?

3 A. That's correct. It was to review every  
4 single ballot using the human readable form.

5 Q. Who made the decision to do that rather  
6 than doing a risk-limiting audit that would apply  
7 statistical sampling to some set of ballots?

8 A. The discussions about that were that the  
9 likelihood, because the margin was so close, that  
10 to do a statistical sample would require multiple  
11 efforts to do that because -- and again, many  
12 people know more about the statistics of a  
13 risk-limiting audit than I do.

14 But the concerns that, due to the  
15 tightness of the race, doing a risk-limiting audit  
16 would likely result in the need to pull a second  
17 batch and likely need to pull a third and multiple  
18 samples until you, you know, would likely end up  
19 doing every ballot anyway, and it would take a  
20 significant longer amount of time to do that rather  
21 than just doing all of them.

22 Q. Oh, so at least one of the concerns was  
23 that a risk-limiting audit using a random sampling  
24 of ballots would take longer than just doing a  
25 manual review of the human readable portion of all

1 ballots?

2 A. I think that was one of the  
3 considerations.

4 Q. Okay. The validity or the accuracy of the  
5 audit results depend on the accuracy of the human  
6 readable portion of each ballot in terms of whether  
7 it actually reflects the intended selections of the  
8 voter; right?

9 A. Ask that again. I --

10 Q. Yeah. Sorry. It was kind of a long  
11 question. So for the -- for an audit that relies  
12 on the human readable portion of a ballot, okay,  
13 for that audit to be reliable, the human readable  
14 portion of each ballot has to accurately reflect  
15 what the voters intended when they voted on that  
16 ballot; right?

17 MR. RUSSO: Objection. Form.

18 THE WITNESS: I'm just trying to kind  
19 of wrap my head around that question. So  
20 when you're doing the audit, you're  
21 relying on what's on the ballot, the human  
22 readable portion of the ballot.

23 And I -- so I suppose what you're  
24 asking is is that -- do we have a way to  
25 know that that was the voter's intent? Is

1           that what you're asking?

2       BY MR. CROSS:

3           Q.     Part of it, yes.

4           A.     Okay. I think part of the audit is to  
5       work with the -- with the evidence, with the facts  
6       you have in front of you and say these are -- this  
7       is the audit result of the ballots we examined.

8                   I think there's a presumption that they're  
9       legitimate, bona fide ballots that were lawfully  
10      cast and done by voters who had the right to vote,  
11      if that's what you're asking.

12          Q.     Well, and there's a presumption that the  
13      human readable portion of the ballot accurately  
14      reflects each of the selections that each voter  
15      made on that ballot; is that right?

16          A.     I think that's a reasonable presumption.

17          Q.     Okay. And you agree, in fact, I think  
18      you've spoken about this, that voter verification  
19      of their B.M.D. ballots is very important; right?

20          A.     It is.

21          Q.     And it's important because we want to make  
22      sure to the presumption we just discussed as best  
23      we can that any given ballot accurately reflects  
24      what the voter intended when they voted on the  
25      B.M.D.; is that fair?

1           A.     Yes, I agree with that.

2           Q.     Are you aware of the study the Secretary's  
3           office commissioned that actually looked or  
4           examined voter verification during 2020 elections  
5           in Georgia?

6           A.     I'm aware that there was going to be a  
7           study. I don't know that I ever saw results.

8           Q.     So you -- well, I'll ask if you know. Are  
9           you aware that that study found that the vast  
10          majority of voters in actual Georgia elections in  
11          2020 spent little to no time reviewing their  
12          ballots before they were cast?

13               MR. RUSSO: Objection. Form. I  
14           think he just said he didn't see the  
15           results.

16               THE WITNESS: I don't know that.

17          BY MR. CROSS:

18           Q.     Would that surprise you?

19           A.     I guess it depends on -- I'd want to know  
20           more about how the characterization was done about  
21           what qualified as little to none.

22           Q.     Would it surprise you that half of Georgia  
23           voters in 2020 elections spend only a second, one  
24           second or so reviewing their ballots before casting  
25           them?



1 MR. RUSSO: Objection to form. Lacks  
2 foundation.

3 THE WITNESS: I'm not sure it would  
4 surprise me.

5 BY MR. CROSS:

6 Q. And why not?

7 A. I think, and this is just my opinion, but  
8 I think many people are interested in the top of  
9 the ticket, you know, races and they can glance,  
10 they can confirm that's good, and then they're less  
11 interested about down-ballot races would be my  
12 hypothesis.

13 Q. Okay. Is it fair to say that the State  
14 and the counties don't have any way to require  
15 voters to carefully verify each selection of their  
16 ballot before it's cast?

17 A. Can you ask that again, please?

18 Q. Sure. Let me just ask you this way. Are  
19 you aware of any means available to the State or  
20 counties that can require each voter who votes on a  
21 B.M.D. to carefully confirm that every selection on  
22 the human readable portion of the ballot is  
23 accurate?

24 MR. RUSSO: Objection to form of the  
25 question.

1           THE WITNESS: I don't think there's  
2           any authority to do that. I don't think  
3           there's any legal authority to require  
4           somebody to review their ballot.

5       BY MR. CROSS:

6           Q.    Okay.

7           A.    I know we did -- we did encourage. We put  
8           up notices. But I think that's -- I think that's  
9           it.

10          Q.    Okay. Why was only the 2020 presidential  
11          election audited in 2020?

12          A.    Well, the law required one risk-limiting  
13          audit. Again, I think that the -- to -- you  
14          couldn't audit more than one election at a time.  
15          And so you're talking about a lot more work and a  
16          lot more time, especially at a time when the  
17          counties were trying to get ready for the Senate  
18          run-off and the P.S.E. run-off. I don't know if  
19          that was ever considered.

20          Q.    And I was going to ask you, are you aware  
21          of any discussion or consideration at the  
22          Secretary's office to audit any election beyond  
23          just the presidential election in 2020?

24          A.    No, I don't believe so. No.

25          Q.    Was there a view in the Secretary's office

1       that the audit that was done of the presidential  
2       election would help give voters more confidence in  
3       the results of that election?

4           A.    I think so. I think that's a -- I think  
5       that's a fair -- yeah, I think that's fair.

6           Q.    Okay. What's your basis for your belief  
7       you couldn't, the State and the counties could not  
8       conduct more than one audit of an election within  
9       the same window before the results have to be  
10      certified?

11          A.    Well, we couldn't do it the way we did  
12      this one. I'm not saying there's not another way,  
13      a more complex way that would have been done. But  
14      to, you know, to do it for the first time at that  
15      scale with those numbers with everything that had  
16      gone on and everything that was yet to come, it  
17      would have had to be a much more complex  
18      calculation or evaluation.

19          Q.    I see. You're --

20          A.    But I'm not saying it couldn't --

21          Q.    Sorry.

22          A.    I was saying I'm not saying it couldn't  
23      have been done. It would have just been -- and I  
24      suspect it would have taken a lot more preparation,  
25      training and time to do it, to do one if it could

1       be done. I'm not sure it couldn't be done. I'm  
2       not sure it could be done; I'm not sure it couldn't  
3       be done.

4           Q.     Okay. If the current B.M.D. system had a  
5       vulnerability where a voter could hack a B.M.D. in  
6       just a few minutes in the voting booth, right,  
7       plugging a device in, like a U.S.B. drive, and that  
8       vulnerability, nothing had been done once it came  
9       to light to mitigate that vulnerability, would that  
10      give you concern as a voter about voting on that  
11      B.M.D. --

12           A.     So --

13           Q.     -- or on any B.M.D. in that system?

14           A.     If a B.M.D., if I knew that a B.M.D. had  
15      been hacked before I used it, it would give me  
16      great concern.

17           Q.     What if you didn't know that it had been  
18      hacked but you understood that, on any B.M.D.  
19      anywhere across the state, a voter could walk in,  
20      plug in a U.S.B. device, upload malware to it and  
21      walk out while they were purporting to vote  
22      themselves, would that give you a concern as a  
23      voter?

24           A.     If that were true, yes, I think it would  
25      give me concern.

1           Q.    And would you expect measures to be taken  
2           to mitigate or eliminate that vulnerability?

3           A.    Yes.

4           Q.    Did you help collect documents for  
5           production in this case?

6           A.    No.

7           Q.    So do you know whether any of your own  
8           documents, E-mails, things on your -- you said you  
9           have a personal drive on the Secretary's server.  
10          Do you know whether documents were collected for  
11          this case from those sources?

12          A.    You know, I -- there may have been  
13          document -- to go back to the previous question,  
14          there may have been documents that I did give to --  
15          would have given them, I think, to Ryan Germany.

16                I can't think that there would have been  
17          much that wasn't on my computer if there was -- if  
18          there was anything. I honestly don't know if I  
19          did. But if I did, it wouldn't have been much,  
20          but.

21                So I don't know that -- I don't know what  
22          was done with my computer or my personal drive or  
23          any of that.

24          Q.    So just so I understand, so you never, for  
25          example, had a conversation with the Secretary's

1       counsel to sort of talk them through where they  
2       might find documents, like your personal drive,  
3       your personal laptop, to --

4               MR. RUSSO: I'm --

5       BY MR. CROSS:

6               Q.     -- locate those documents?

7               MR. RUSSO: And I'm just going to  
8       object to the extent he's not a 30(b)(6)  
9       witness on that topic. I mean, it's topic  
10      17. But otherwise, if it's, you know, in  
11      his personal capacity you're asking him  
12      this, that's different.

13              THE WITNESS: And just to be clear,  
14      when I say "my personal drive," I don't  
15      mean, like, my personally owned drive. I  
16      mean my -- every employee had their own  
17      designated drive on the thing.

18              So I'm not talking about a personal  
19      computer or personal drive or anything  
20      like that. And that may have been the  
21      wrong use -- the word to use.

22              But to answer the question, I  
23      don't -- I don't recall any conversations  
24      about -- you know, because again, everyone  
25      had a personal drive, and everybody had a

1 desktop or a laptop. I don't believe I  
2 had conversations with people about, hey,  
3 you can find this here, you can find that  
4 there.

5 Merritt Beaver had access to all of  
6 our -- the whole network. He could look  
7 in E-mail boxes and personal drives and  
8 desktops and all that kind of stuff.

9 BY MR. CROSS:

10 Q. Okay. Are you aware of any, written or  
11 unwritten, formal or informal, rule at the  
12 Secretary of State's office not to put concerns or  
13 complaints about the election system in writing?

14 MR. RUSSO: Objection to form.

15 THE WITNESS: There's certainly no --  
16 there's certainly no written rule that I'm  
17 familiar with.

18 I know that it's not uncommon  
19 practice to often have phone calls about  
20 the election system, frankly because  
21 it's -- you know, we'd all have carpal  
22 tunnel syndrome if we typed out the  
23 E-mails, because they tend to be pretty  
24 complex, and it just saves time.

25 But no, I'm not aware of a -- of --

1           there's certainly nothing formal. And I  
2           mean, just I can only imagine how many  
3           E-mails, you know, you all got from me.  
4           You saw that I sent, you know, and  
5           received hundreds of E-mails in the course  
6           of a week.

7                     But frankly, in many cases I'd pick  
8           up the phone and call someone just because  
9           it was much easier to have a conversation  
10          about it rather than somebody sends me an  
11          E-mail, and then I send it back asking for  
12          clarification, and then they clarify my  
13          questions, and then we go back and forth  
14          and we spend, you know, 15, 20 minutes  
15          writing an E-mail about something that,  
16          oh, I didn't -- I didn't mean this, I  
17          meant that.

18                    So no. And so personally, no. But  
19          again, I don't know that there's any  
20          informal system or any informal plan that  
21          you don't talk about the system in written  
22          form. But I know that, in my case, I  
23          tried to do as much face-to-face or  
24          person-to-person communication as I could.

25       BY MR. CROSS:



1           Q.    There was never to your knowledge any sort  
2           of informal or casual guidance to state workers or  
3           county workers not to put concerns or complaints  
4           about the election system in writing?

5           A.    Oh, you mean internally?  Externally?  
6           Anywhere?

7           Q.    Yeah.

8           A.    No.  I'm not -- I'm not aware of that.

9           Q.    Sorry.  I'm trying to pull up another  
10          document, but the Exhibit Share just crashed, so  
11          I'm pulling it back up.

12                 All right.  Grab Exhibit 18, if you would,  
13          please.

14                                 (Whereupon, Plaintiff's  
15                                 Exhibit 18 was marked for  
16                                 identification.)

17          BY MR. CROSS:

18           Q.    So just let me know when you've had a  
19          chance to look at it, Mr. Harvey.

20                         (Whereupon, the document was  
21                         reviewed by the witness.)

22                         THE WITNESS:  Okay.

23          BY MR. CROSS:

24           Q.    All right.  Do you -- do you see that  
25          Exhibit 18 is an E-mail that -- is it Tom Feehan?

1 Is that how you say the name?

2 A. Yes.

3 Q. Tom Feehan sent you this E-mail, along  
4 with Blake Evans and Scott Tucker, on January 7,  
5 2021. Do you see that?

6 A. Is that the first one? Yes.

7 Q. And then in the subject line, it's a  
8 forward, but the subject line reads We Have a  
9 Problem; right?

10 A. Yes.

11 Q. Okay. If you come to the first E-mail in  
12 the thread, which starts at the bottom of Page 2,  
13 do you see that's from Randy Howard at Sumter  
14 County?

15 A. Yes.

16 Q. And he writes to Robin Carr at the  
17 Secretary's office; right?

18 A. Yes.

19 Q. Mr. Howard is indicated on the E-mail as  
20 the supervisor of elections for Sumter County;  
21 right?

22 A. That's correct.

23 Q. And who is Robin Carr?

24 A. She was an election liaison that would  
25 have covered that part of the state.

1 Q. Okay.

2 A. So she was the primary contact for an  
3 election director in her region if they had an  
4 issue so I didn't have 159 people calling me. They  
5 would call her first, or E-mail her or whatever.

6 Q. Okay. And so you see that the Sumter  
7 County supervisor of elections wrote to Ms. Carr on  
8 January 6th, 2021:

9 [As read] "I was just informed  
10 that my Dominion tech could not come  
11 back to assist me. I understand this  
12 will effect a number of counties."

13 He goes on in the third paragraph:

14 "I have depended on her to run the  
15 tabulator and help with the report to  
16 Secretary of State. I have not had  
17 the time to train on this equipment."

18 Do you see that?

19 A. I do.

20 Q. Was it customary or common for counties to  
21 depend on Dominion techs to run the election  
22 tabulator?

23 A. Well, like I said before, different  
24 counties had different levels of proficiency and  
25 experience. And some, as I said before, some of

1       them relied on them more than others.

2               So I wouldn't say it was -- it was common  
3       that they would -- that they would rely so heavily  
4       on the techs, but I know there were some counties  
5       that did.

6           Q.    Okay.  So there was no state policy, for  
7       example, that prohibited that; is that right?

8           A.    That -- no, there was no -- as I said  
9       before, the expectation was that the counties were  
10      running the elections, the techs were not running  
11      the elections, and that the techs were there to  
12      assist and train the county people in how to use  
13      the equipment.

14          Q.    So by January of 2021, the B.M.D. system  
15      had been used in several pilot elections in 2019  
16      and had been used for all elections throughout 2020  
17      in Georgia; right?

18          A.    Yes.

19          Q.    Do you know why the supervisor of  
20      elections in Sumter County as of that time still  
21      had not had time to train on the tabulator for the  
22      new B.M.D. system?

23          A.    I don't know specifically why he didn't  
24      have time to train.  I know that the county  
25      election directors were under tremendous

1       unprecedented strain and trying to do things like  
2       recruit new poll workers, find alternate polling  
3       locations, deal with a massive influx of absentee  
4       ballots.

5               And so I know they were -- these were not  
6       normal times to be learning a new system while  
7       everything else was going on. But I don't know  
8       specifically why Randy Howard felt like he didn't  
9       have time to train.

10           Q.    But you actually received pretty regular  
11       concerns or communications from county officials  
12       that, even into the November 2020 elections, that  
13       they and their staff still had not been fully  
14       trained on the new system; right?

15           A.    And what was the time frame you mentioned  
16       again?

17           Q.    Through the end of 2020, even into the  
18       November 2020 elections, you were still receiving  
19       fairly regular communications and concerns from  
20       county election officials that they and their staff  
21       had not yet been fully trained on the new system.

22           A.    Well, I know that there was -- there was a  
23       lot of anxiety with the thought of losing the  
24       techs. I don't know that -- I mean, every county  
25       had received training.

1                   So again, we sent the techs to the  
2                   counties, and we -- after the counties attended the  
3                   training with the understanding that, look, this  
4                   tech support is going to end at a -- at a certain  
5                   time and you have to be ready to pick it up and run  
6                   with it unless you're going to hire some people to  
7                   help you. And that's exactly what some counties  
8                   did that felt they weren't up to the task.

9                   But no, I don't disagree with the premise  
10                  that there were some counties that, by the end of  
11                  2020, still felt overly reliant on some of their  
12                  techs.

13                Q.    And if we look back at Exhibit 18, if you  
14                look at the bottom of Page 1, you'll see there's an  
15                E-mail from Scott Tucker to you and others at the  
16                Secretary's office on January 7, 2021 forwarding  
17                the exchange below.

18                        Do you see that?

19                A.    I do.

20                Q.    And Mr. Tucker writes:

21                        "Thanks for calling me about this,  
22                        Blake. We have talked with the  
23                        regional manager and will get someone  
24                        on-site to assist as needed."

25                        Do you see that?

1 A. I do.

2 Q. And he goes on to indicate:

3 "...yesterday we had all  
4 contractors leave sites, but we are  
5 back to business as usual."

6 Do you see that?

7 A. I do.

8 Q. And the date of this is January 7, 2021;  
9 right?

10 A. Yes.

11 Q. Do I understand correctly that Dominion  
12 had all of their contractors leave election sites  
13 on January 6 because of the insurrection at the  
14 Capitol that occurred that day?

15 MR. RUSSO: Objection to the form of  
16 the question.

17 THE WITNESS: You know, I don't  
18 know -- I don't -- I don't remember why  
19 they left. I thought -- I thought it may  
20 have had something to do with COVID,  
21 but...

22 BY MR. CROSS:

23 Q. Well, Mr. Tucker indicates that they had  
24 all their contractors leave on January 6, and by  
25 the morning of January 7 they were already back to

1 business as usual.

2 A. Okay.

3 Q. Right?

4 And so as the elections director for  
5 Georgia, you don't recall whether Dominion pulled  
6 all of their Dominion techs on January 6 because  
7 they were worried about their safety given the  
8 violence that played out at the Capitol that day?

9 MR. RUSSO: Objection. He's -- asked  
10 and answered.

11 THE WITNESS: So I don't remember  
12 them telling me that.

13 BY MR. CROSS:

14 Q. Well, when you got this E-mail indicating  
15 that Dominion had pulled all their contractors for  
16 the day of January 6, you didn't ask them why?

17 MR. RUSSO: Objection. He's already  
18 said he doesn't know why.

19 THE WITNESS: I don't know if I  
20 followed up -- I don't know if I followed  
21 up with Dominion after that, if they were  
22 all back to work. I just don't know if I  
23 had a conversation with Tom or Scott  
24 Tucker.

25 BY MR. CROSS:



1 Q. Well, January 6 was right after an  
2 important Senate run-off in Georgia, wasn't it?

3 A. Yes.

4 Q. And so as the elections director for the  
5 state, it wasn't a really big deal to you to find  
6 out that Dominion had pulled all of their  
7 contractors the -- across the state the day after a  
8 major Senate run-off?

9 A. Again, I don't remember this.

10 Q. You don't even remember it happening?

11 A. I --

12 MR. RUSSO: Asked and answered.

13 THE WITNESS: I don't. I mean, I, as  
14 I read the E-mail, I just don't remember  
15 what I did -- what I did, if anything.

16 You notice that Blake Evans was  
17 communicating with them. He, you know, he  
18 may have handled it. I just, I don't  
19 recall what I did, but -- that's it.

20 BY MR. CROSS:

21 Q. Are you aware of any -- maybe I know the  
22 answer because you say you don't remember it, but  
23 I'll ask to confirm. Are you aware of any  
24 discussion or consider -- strike that.

25 Are you aware of any discussion at the

1 Secretary's office expressing any concern about  
2 Dominion pulling all contractors on January 6?

3 A. No.

4 Q. Are you aware of whether this information  
5 was conveyed to Jordan Fuchs?

6 A. No, I'm not.

7 Q. Do you know whether this was conveyed to  
8 Secretary Raffensperger?

9 A. I don't know.

10 Q. If you wanted to understand what happened  
11 here with Dominion pulling its techs on January 6,  
12 who would you ask?

13 A. I'd ask Scott Tucker.

14 Q. Who would you ask at the Secretary's  
15 office that you think might know?

16 A. Blake Evans or Gabriel Sterling.

17 Q. And are you offering the view that you  
18 don't think this had anything to do with the  
19 violence at the Capitol on the January 6, or are  
20 you just saying you don't know one way or the  
21 other?

22 MR. RUSSO: David, it's getting  
23 harassing at a certain point. He said he  
24 doesn't -- he doesn't know why they left.

25 THE WITNESS: Yeah, I'm -- I don't

1 know. I mean, this was the day -- the day  
2 after the election, and I may have been --  
3 I may have been tied up in other meetings.

4 It's 10:00 in the morning, so it may  
5 not have -- I don't know when it came to  
6 my attention. I mean, like, I've gotten,  
7 you know, hundreds of E-mails. It could  
8 have been later in the day before I  
9 acknowledged it or noticed it. I just  
10 don't remember.

11 BY MR. CROSS:

12 Q. Did the violence at the Capitol on January  
13 6th have any implications for you personally when  
14 you were still the elections director in Georgia?

15 MR. RUSSO: Objection. It's not  
16 relevant.

17 THE WITNESS: I received a threat  
18 prior to that. I think I certainly took  
19 notice of it.

20 You know, as a matter of fact, as  
21 I -- as I think about it now, I think I  
22 was -- I think I was actually in  
23 deposition prep while all this stuff was  
24 going on because -- and I think I was  
25 speaking with our attorneys.

1 I think there was a deposition or  
2 something that was getting ready to go,  
3 because I remember leaving that meeting  
4 and I had gotten a bunch of texts from a  
5 family member asking if I was okay and not  
6 understanding what was going on.

7 So I think it was later in the  
8 afternoon before I even knew that January  
9 6th had happened. So that's kind of  
10 coming back to me now.

11 So while all this stuff was going on,  
12 with your previous questions, I think I  
13 was basically incommunicado doing  
14 deposition prep.

15 But getting back to the other  
16 question, right, did it have any effect on  
17 me or did I -- what was your question  
18 again about the effect January 6th had on  
19 me?

20 BY MR. CROSS:

21 Q. I was trying to understand whether the  
22 events that occurred on January 6th and the  
23 motivation for those events, whether that had any  
24 personal impact on you.

25 MR. RUSSO: I'm going to, again,

1 object to the question, to the form of the  
2 question. What do you mean "the  
3 motivation for the events"?

4 BY MR. CROSS:

5 Q. Do you understand the question,  
6 Mr. Harvey?

7 A. I sort of do. Is the -- are you asking me  
8 what effect it had on me personally witnessing or  
9 being aware of what happened on January 6th?

10 Q. No. So let me ask this. Are you -- are  
11 you familiar with what's now become known in sort  
12 of common parlance "The Big Lie" coming out of the  
13 Trump campaign that the 2020 election was stolen?

14 A. I'm aware of that, yes.

15 Q. And do you have a personal view on whether  
16 that is true or false?

17 MR. RUSSO: I'm going to object to  
18 the form. It's not relevant. I mean,  
19 unless you're asking, I guess, to the --  
20 are those people the same ones who think  
21 the Dominion machines were hacked.

22 MR. CROSS: I don't know what you're  
23 talking about, Vincent. But if you don't  
24 stop coaching the witness, we're going to  
25 get on the phone with the judge.

1                   You can --

2                   MR. RUSSO: That's fine.

3                   MR. CROSS: -- say objection to

4                   form --

5                   MR. RUSSO: David, you keep ha --

6                   MR. CROSS: -- and that's it.

7                   MR. RUSSO: David, you keep harassing  
8                   him.

9                   MR. CROSS: All right.

10                  MR. RUSSO: It's not relevant.

11                  MR. CROSS: Relevance is not even an  
12                  appropriate objection and --

13                  MR. RUSSO: David, you keep harassing  
14                  him.

15                  MR. CROSS: -- I'm not --

16                  MR. RUSSO: You keep harassing --

17                  BY MR. CROSS:

18                  Q.    Go ahead, Mr. Harvey.

19                  MR. RUSSO: -- him, David. I don't  
20                  think -- I don't think the judge would  
21                  find it amusing either.

22                  BY MR. CROSS:

23                  Q.    Go ahead, Mr. Harvey.

24                  MR. CROSS: You don't think it's  
25                  relevant whether the former elections

1 director of the state of Georgia believes  
2 that the presidential election over which  
3 he had responsibility was stolen?

4 Go ahead and put that statement on  
5 the record for me, please, Mr. Russo,  
6 because you've already said it. So why  
7 don't we go on with the deposition.

8 BY MR. CROSS:

9 Q. Mr. Harvey, my question to you is this.  
10 You served as the former head of elections for the  
11 State of Georgia. Do you, sir, believe based on  
12 your experience in that role that the presidential  
13 election in November of 2020 was stolen, that the  
14 outcome as reported is not accurate?

15 MR. RUSSO: And I'm going to go ahead  
16 and object again, David. It's --

17 MR. CROSS: Stop.

18 MR. RUSSO: It is not --

19 MR. CROSS: State your objection.

20 One more word and we're calling the judge.  
21 This is inappropriate.

22 MR. RUSSO: Let's call. Let's call.  
23 We need a -- let's go ahead and call her.  
24 Please.

25 BY MR. CROSS:

1 Q. Go ahead, Mr. Harvey.

2 A. I know that the election was not stolen in  
3 Georgia. I can't speak for any other state, but I  
4 am ultimately very confident in the Georgia  
5 results.

6 Q. Thank you.

7 And what's the basis for that belief?

8 A. Largely, it's the -- it's the hand count.  
9 It's the hand count audit with the recount, knowing  
10 the general integrity and the work of the county  
11 election officials and knowing that our system is  
12 secure.

13 Q. Are you familiar with a phone call that  
14 former President Trump made to Secretary  
15 Raffensperger asking about finding votes in that  
16 election?

17 MR. RUSSO: Object to the form of the  
18 question again. There's no foundation.

19 THE WITNESS: Through news reports,  
20 yes.

21 BY MR. CROSS:

22 Q. And you anticipated where I was going. Do  
23 you have any knowledge about those events that you  
24 learned through your role at the Secretary of  
25 State, meaning not through public news reports?



1           A.    I would say no. I mean, I -- I may have  
2           had a conversation or two with people about it, but  
3           nothing other than I think -- I don't remember if I  
4           heard it first in the news or somebody mentioned  
5           that President Trump had called Secretary  
6           Raffensperger, but I didn't have any discussions  
7           with anybody about what was said or -- other than  
8           general, you know, hey, what was it about.

9                   But no, it was -- it was almost all from  
10          news reports.

11          Q.    Based on your experience as the elections  
12          director in Georgia in 2020, do you have any basis  
13          to believe that the presidential election outcome  
14          was wrong based on the results reported from any  
15          state?

16          A.    So are you asking me if I believe the --  
17          ask that question again, please. I lost you --

18          Q.    Yeah. You --

19          A.    -- about halfway through.

20          Q.    Sorry. Yeah. You said that you believe  
21          that the election outcome for the presidential  
22          election in 2020 in Georgia was accurate, and I  
23          just, I'm following up.

24                   Based on information that you -- available  
25          to you while you were the elections director in

1 Georgia, do you more broadly have any basis to  
2 believe that the presidential election was wrong?

3 MR. RUSSO: Objection.

4 THE WITNESS: I don't. I don't have  
5 any reason to believe it was wrong. But I  
6 certainly haven't examined evidence from  
7 other states. But no, the answer is no, I  
8 don't believe the results were wrong.

9 BY MR. CROSS:

10 Q. Okay. All right. Take a look at, you  
11 should have Exhibit 18 in front of you.

12 MR. RUSSO: And David, I need to take  
13 a five-minute break at about 1:55 or just  
14 to -- just to swap out with Carey again,  
15 because I've got another work matter to  
16 deal with at 2:00.

17 MR. CROSS: Okay.

18 THE WITNESS: David, are we on 18?

19 BY MR. CROSS:

20 Q. Hold on. Let me make sure I've got the  
21 right thing here. Sorry. 18 is what we just  
22 looked at; right?

23 A. Right.

24 Q. Sorry. Let me get the right one.

25 A. Okay. I'm only still seeing 18 on my

1 list.

2 Q. Yeah. Sorry. For some reason, ever since  
3 Exhibit Share crashed, it is kind of hanging up.  
4 Yeah, sorry, it's just not working right. It's  
5 really annoying.

6 THE VIDEOGRAPHER: Would you like to  
7 go off the record, Mr. Cross?

8 MR. CROSS: No, I'll figure it out.  
9 It used to be you just click on the  
10 document and it'll give you the option to  
11 introduce, but it's not doing it anymore.  
12 I have to right click.

13 Yeah. Sorry. Let's go off the  
14 record. I don't know what this is doing  
15 now.

16 THE VIDEOGRAPHER: The time is 1:46  
17 p.m. We're off the record.

18 (Whereupon, a discussion ensued  
19 off the record.)

20 THE VIDEOGRAPHER: The time is 1:49  
21 p.m. We're on the record.

22 BY MR. CROSS:

23 Q. Okay. Mr. Harvey, grab Exhibit 19.

24 (Whereupon, Plaintiff's  
25 Exhibit 19 was marked for

1 identification.)

2 BY MR. CROSS:

3 Q. And just let me know when you've had a  
4 chance to read through it.

5 A. I've got it. I'm looking at it.

6 Q. Okay.

7 (Whereupon, the document was  
8 reviewed by the witness.)

9 THE WITNESS: Okay.

10 BY MR. CROSS:

11 Q. All right. Do you recognize Exhibit 19 as  
12 an E-mail from Ryan Germany on July 16, 2019?

13 A. I do.

14 Q. And this is to Secretary Raffensperger,  
15 Jordan Fuchs, Mr. Beaver, yourself and others at  
16 the Secretary's office; right?

17 A. Yes.

18 Q. Okay. If you'd come down to the bottom --  
19 or sorry, the top of the second page, do you see  
20 the first E-mail is from Leslie Reynolds at  
21 SSO.org?

22 A. Yes.

23 Q. Do you know who that is?

24 A. I think she's the executive director of  
25 the National Association of Secretaries of State.

1 Q. All right.

2 A. I believe that's the case.

3 Q. And you see the subject line of her E-mail  
4 refers to N.A.S.S., and that's the National  
5 Association of Secretaries of State; right?

6 A. Correct.

7 Q. And it refers to their elections  
8 committee. Do you see that?

9 A. I do.

10 Q. And her E-mail refers [REDACTED]

11 [REDACTED]

12 [REDACTED] right?

13 A. Actually, it was -- my understanding is  
14 not the [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] --

18 Q. Okay.

19 A. -- [REDACTED]

20 [REDACTED]

21 Q. Okay. Are you familiar with [REDACTED]

22 A. Only through this interaction. I had -- I  
23 don't believe I had heard of, I'll say them. I  
24 don't know if it's an individual or a group -- I  
25 think it's a group, but it may be sort of run by an

1 individual that -- so I'm just familiar from sort  
2 of this association, this brief association.

3 Q. Do you know how [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 A. No. I think this was -- my recollection  
7 was that [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [REDACTED]

17 [REDACTED]?

18 A. I don't think I did. I think they -- [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. So the E-mail that Mr. Germany sends to

1       you and others, do you see in the first line he  
2       writes:

3               " [REDACTED]

4       [REDACTED]

5       [REDACTED] "?

6               Do you see that?

7               A.    I do.   Give me one second.   I just --

8               Q.    Sure.

9               A.    -- I lost the thing.

10              Okay.   I got it back.   Okay.   So yeah.

11             " [REDACTED]

12       [REDACTED]

13       [REDACTED] "

14              Q.    Right.   And the timing there, if I -- if  
15       my memory serves correctly, this was just before a  
16       preliminary injunction hearing we had in our case  
17       regarding election security.

18              Do you recall whether that's what he was  
19       referring to?

20              MR. RUSSO:   Object to form.   Lacks  
21       foundation.

22              THE WITNESS:   I don't -- I don't know  
23       specifically.   I mean, I went to court so  
24       often, I don't remember what specifically  
25       the "court" was talking about.

1 BY MR. CROSS:

2 Q. Okay. And then he goes on and he writes  
3 "Chris" -- and that's directed at you; right?

4 A. Yes.

5 Q. And he writes:

6 " [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]"

10 Do you see that?

11 A. I do.

12 Q. Did you reach out to them?

13 A. I did not. I think I had further  
14 discussions with Mr. Germany about it, and we  
15 decided not to. Or they decided not to release  
16 the -- whatever it was they were going to release.

17 But I don't recall ever seeing what their  
18 report for Georgia was or any -- anything else.

19 Q. And then Mr. Germany also wrote here to  
20 Secretary Raffensperger and you and others  
21 regarding this anticipated report:

22 " [REDACTED]  
23 [REDACTED]  
24 [REDACTED]"

25 Do you see that?



1 A. I do.

2 Q. What was the reason for an assumption that

3 [REDACTED]

4 [REDACTED]?

5 MR. RUSSO: Object to the form.

6 If you know what he meant, of course  
7 you can -- you can answer.

8 THE WITNESS: I don't know -- I don't  
9 know why Ryan Germany wrote that.

10 BY MR. CROSS:

11 Q. Well, as the elections director, did you  
12 have any expectation that [REDACTED]  
13 [REDACTED]?

14 A. No. But I knew that Georgia had gotten a  
15 lot of attention. [REDACTED]

16 [REDACTED]

17 Q. Why had Georgia gotten a lot of attention  
18 in July of 2019?

19 A. The gubernatorial race in 2018 had focused  
20 a lot of attention on Georgia, and it just seemed  
21 like Georgia was sort of in the -- in the spotlight  
22 in elections.

23 Q. All right. Grab Exhibit 20, please.

24 (Whereupon, Plaintiff's

25 Exhibit 20 was marked for

1 identification.)

2 THE WITNESS: Okay. I've got it.

3 Let me get -- give me a chance to read it.

4 (Whereupon, the document was  
5 reviewed by the witness.)

6 THE WITNESS: Okay.

7 MR. RUSSO: Hold on one second.

8 Carey's going to jump in and --

9 MR. CROSS: Oh, okay.

10 MR. RUSSO: I've got to make a call.

11 Thank you.

12 MR. CROSS: Yep.

13 MR. MILLER: Sorry. I'll try not to  
14 blow up moving this thing along.

15 MR. CROSS: Yeah. Okay. You ready  
16 Carey?

17 MR. MILLER: Yeah.

18 MR. CROSS: Okay.

19 BY MR. CROSS:

20 Q. All right. So Mr. Harvey, you should have  
21 Exhibit 20 in front of you. And you see that at  
22 the top there's an E-mail from Angelos Keromytis,  
23 K-E-R-O-M-Y-T-I-S, at Georgia Tech to Jordan Fuchs  
24 on December 31, 2020?

25 A. Yes.

1 Q. All right. If you come down to the  
2 penultimate page at the bottom, you'll see there's  
3 an E-mail from the same person at Georgia Tech to  
4 you, Ms. Fuchs, Merritt Beaver and Tori Thompson at  
5 the Secretary's office.

6 Do you see that?

7 A. I do.

8 Q. And the subject line is [REDACTED]

9 [REDACTED]

10 Supposedly. Do you see that?

11 A. I do.

12 Q. And then below it reads:

13 "[REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]"

17 Do you see that? Do you see that on the  
18 last page?

19 A. I do, yes.

20 Q. Okay. And this is dated December 30,  
21 2020, at 4:14 p.m.; right?

22 A. Yes.

23 Q. Do you know this person at Georgia Tech?

24 A. I've met him I think once or twice.

25 Q. And what is his role or affiliation, if

1 any, with the Secretary's office?

2 A. He's a -- he's a professor at Georgia  
3 Tech. And Jordan Fuchs brought him over sometime  
4 before this to talk about cybersecurity concerns  
5 and issues. I met with him, I don't remember when.  
6 It was sometime prior to this, obviously.

7 And there had been talk about him working  
8 with us in some capacity that I wasn't aware of or  
9 really part of that discussion.

10 Q. If you wanted to understand his role with  
11 the Secretary's office, would you ask Jordan Fuchs?

12 A. Yes.

13 Q. Okay. And do I understand, is he a  
14 computer science professor?

15 A. I believe he is.

16 Q. So Ms. Fuchs responds to him:

17 " [REDACTED] [REDACTED]

18 [REDACTED] "

19 Do you see that?

20 A. I do.

21 Q. And then you see Mr. Beaver sends an  
22 E-mail also on December 30, middle of the second  
23 page?

24 A. I do.

25 Q. He writes:

1 " [REDACTED]

2 [REDACTED] "

3 Do you see that?

4 A. I do.

5 Q. And then Professor Keromytis writes on the  
6 same day:

7 [REDACTED]

8 And then he -- in the second sentence he  
9 writes:

10 [As read] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 And it indicates, [REDACTED] He  
19 goes on to explain:

20 [REDACTED]

21 [REDACTED]

22 Do you see that?

23 A. I do.

24 Q. Tell me everything that you know about  
25 this particular allegation of [REDACTED]

1 [REDACTED]?

2 A. I don't think I had any real connection or  
3 follow-up with this. I would have -- I mean, I  
4 don't think I had any participation on the E-mail.  
5 So I don't think I had anything -- I don't think I  
6 had any involvement in this.

7 Q. So there's nothing you can tell me beyond  
8 what's written on the pages here?

9 A. I don't think so.

10 Q. As the elections director, was it  
11 important to you to know what the result of this  
12 was as to whether there had been [REDACTED]  
13 [REDACTED]?

14 A. Well, the -- yeah, it would have been  
15 important to know if there had been something  
16 [REDACTED].

17 Q. Is it fair to say that, for your purposes  
18 as the election director, you relied on people like  
19 Mr. Beaver, Ms. Fuchs, to make those determinations  
20 and to bring it to your attention if there was some  
21 sort of security risk like that?

22 MR. MILLER: Objection to form.  
23 Compound.

24 THE WITNESS: I would -- I would say,  
25 yeah, there were -- there were lots of

1 different points of contact. Sometimes it  
2 would -- something like this would come  
3 into Ryan Germany. Sometimes it'd come in  
4 to Gabriel. Sometimes it'd come in to  
5 Jordan. Sometimes it would come in to me.

6 And in some cases, they would handle  
7 it and resolve it and determine nothing  
8 happened. And you know, I may follow up  
9 the next day or -- but if it -- if it  
10 didn't -- if it didn't develop into  
11 something, then sometimes I, you know, I  
12 wouldn't -- I wouldn't follow up.

13 BY MR. CROSS:

14 Q. Okay. Do you know why Ms. Fuchs in  
15 particular was involved in this situation?

16 A. I don't except that she had, as far as I  
17 know, she was the first one that had made contact  
18 with Mr. Keromytis.

19 Q. So she was the person who engaged  
20 Professor Keromytis with the State?

21 A. Well, I got that impression. When I --  
22 when I first met with him and her at the same time,  
23 I got the impression that that was kind of the  
24 first meeting. How they -- how they met or what  
25 their involvement was, I don't know.

1 Q. Are you aware of whether Professor  
2 Keromytis has done any cybersecurity assessments or  
3 analysis for the Secretary's office?

4 MR. MILLER: Objection. Lack of  
5 foundation.

6 THE WITNESS: I'm not aware of  
7 anything he's done.

8 BY MR. CROSS:

9 Q. Is Ms. Fuchs who you would ask to know  
10 about that?

11 A. Either Ms. Fuchs or Merritt Beaver.

12 Q. So you mentioned earlier that there was a  
13 committee that helped advise Secretary  
14 Raffensperger on the selection of the current  
15 B.M.D. system.

16 Do you know how people were selected for  
17 that committee?

18 A. I do not.

19 Q. Who would you ask to find out?

20 A. Probably Jordan Fuchs.

21 Q. We talked briefly a moment ago about this  
22 phone call that was reported of former President  
23 Trump asking Secretary Raffensperger to find votes  
24 in the 2020 election.

25 Let me just ask you, based on your



1       experience as the elections director for Georgia,  
2       are you aware of any effort by anyone to alter or  
3       manipulate the outcome of the 2020 election in  
4       Georgia?

5           A.     No.

6           Q.     Is that something that you would expect to  
7       have been brought to your attention if someone at  
8       the Secretary's office had learned that something  
9       like that had happened?

10           MR. MILLER:  Objection.  Calls for  
11       speculation.

12           THE WITNESS:  I would have -- I would  
13       expect something like that to be brought  
14       to my attention.

15       BY MR. CROSS:

16           Q.     As a voter in Georgia, is it important to  
17       you that your vote is counted as you intended it to  
18       be counted?

19           A.     Yes.

20           Q.     Why?

21           A.     Because that's one of my fundamental  
22       rights.

23           Q.     What if the election outcome comes out the  
24       way you want it but your vote had not been counted,  
25       would that matter to you?

1           A.     It would.

2           Q.     Why?

3           A.     Well, assuming that I cast my vote legally  
4     and properly, each -- my vote should be a record.

5           Q.     Okay. Are you aware of a situation where  
6     election workers, when they were transmitting  
7     ballots coming out of the B.M.D. system, they  
8     stopped at one of the election workers' homes, one  
9     of them took a shower, the ballots sat in their  
10    cars in the driveway for some period of time, and  
11    then they finally made it on to the county election  
12    facility where those ballots were supposed to be  
13    stored and the results were supposed to be  
14    transmitted to the State?

15               MR. MILLER: Object to form.

16               THE WITNESS: I believe I recall  
17           that. I -- although I don't remember  
18           where it was. But that sounds -- that  
19           sounds familiar.

20    BY MR. CROSS:

21           Q.     Fair to say that's not consistent with  
22    State protocol or County protocol; right?

23           A.     I agree.

24           Q.     Okay. Do you know of any efforts that  
25    were taken to confirm that that incident did not

1       affect the tabulation of the ballots in that county  
2       for that election?

3               MR. MILLER: Objection. Lacks  
4       foundation.

5               THE WITNESS: I -- I'm not aware of  
6       follow-up steps to that.

7       BY MR. CROSS:

8               Q.     Who would you ask if you wanted to know?

9               A.     Probably the county election director.

10              Q.     Okay.

11              MR. CROSS: All right. Let's go off  
12       the record. I'm pretty close to done.  
13       Let me just look at my notes real quick,  
14       if that's all right, Mr. Harvey.

15              THE WITNESS: Sure.

16              THE VIDEOGRAPHER: The time is 2:10  
17       p.m. We're off the record.

18              (Whereupon, a discussion ensued  
19       off the record.)

20              (Whereupon, there was a brief  
21       recess.)

22              THE VIDEOGRAPHER: The time is 2:15  
23       p.m. We're on the record.

24       BY MR. CROSS:

25              Q.     Mr. Harvey, is voter confidence in an

1 election system, is that important?

2 MR. MILLER: Objection. Lack of  
3 foundation.

4 THE WITNESS: I think so.

5 MR. MILLER: We're getting an echo  
6 here. Hold on just a second. I'm not  
7 sure what happened.

8 MR. CROSS: Sounds like you guys have  
9 two mikes on, Carey.

10 MR. MILLER: Yeah. Let's see.

11 THE VIDEOGRAPHER: You can -- you  
12 can -- yeah, there you go.

13 MR. MILLER: That going? Yeah. All  
14 right.

15 MR. CROSS: I think that's better.

16 MR. MILLER: Apologies.

17 MR. CROSS: Yeah. There we go.

18 BY MR. CROSS:

19 Q. And why is that important to you based on  
20 your experience as the Georgia elections director?

21 A. Why is voter confidence important?

22 Q. Yes.

23 A. Because they're the -- they're the  
24 mechanism by which we, I guess, fuel the government  
25 with people to do the people's will.

1           So I think it's important that people are  
2       confident that their will is accurately reflected  
3       and legal changes take place as in accordance with  
4       voters' wishes. That's how our system operates.

5           MR. CROSS: Okay. I don't have any  
6       further questions for you, Mr. Harvey. I  
7       appreciate your time. I'm actually  
8       sitting right down the road from your  
9       alma mater, the Citadel. So.

10          THE WITNESS: Oh, okay.

11          THE VIDEOGRAPHER: Anyone else,  
12       Counsel?

13          MR. CROSS: You're on mute, Cary.

14          THE VIDEOGRAPHER: Mr. Ichter, you're  
15       muted.

16          MR. ICHTER: Thank you.

17               Can y'all access the folder in which  
18       our exhibits are located? Because it's  
19       currently labeled as private. I don't  
20       know whether or not that's meaningful with  
21       respect to whether or not you can access  
22       it.

23          MR. MILLER: We can.

24          MR. CROSS: Cary, you have to -- you  
25       have to move from the private folder to

1 the Marked Exhibits folder.

2 MR. MILLER: You have to -- you have  
3 to do the "introduce exhibit" thing.

4 MR. ICHTER: Well, I have to admit  
5 that you guys are testing the levels of my  
6 competence on this.

7 MR. MILLER: Do you want to go off  
8 the record for a minute?

9 MR. ICHTER: Yeah. It appears as  
10 though they're loading up right now.

11 MS. CONNORS: Cary?

12 THE VIDEOGRAPHER: The time is --

13 MR. ICHTER: Yeah.

14 THE VIDEOGRAPHER: The time is 2:17  
15 p.m.

16 MS. CONNORS: They are loading.

17 THE VIDEOGRAPHER: The time is 2:17  
18 p.m. We're off the record.

19 (Whereupon, a discussion ensued  
20 off the record.)

21 THE VIDEOGRAPHER: The time is 2:24  
22 p.m. We're on the record.

23 ///

24 ///

25 EXAMINATION

1 BY MR. ICHTER:

2 Q. Good afternoon, Mr. Harvey. My name's  
3 Cary Ichter. I represent the Coalition For Good  
4 Governance and some individual members of the  
5 Coalition. And I'm going to be asking you some  
6 questions on some topics that were covered by  
7 Mr. Cross that would be follow-up questions and  
8 also a couple of topic areas that he didn't cover.

9 If I ask you any questions at any point in  
10 time that you don't understand or seem  
11 discombobulated to you, if you'd let me know that,  
12 I'll do my best to repeat them in a way that's  
13 somewhat more coherent than my first try.

14 Okay?

15 A. Okay. Thank you. And good afternoon to  
16 you, too.

17 Q. Okay. By the way, you are a graduate of  
18 the Citadel?

19 A. I am.

20 Q. Are you wearing your ring?

21 All right. Very good.

22 So I wanted to ask you to go ahead and  
23 take a look at the document that is marked as CGG  
24 Exhibit 14.

25 (Whereupon, CGG Exhibit 14

1                                   was marked for  
2                                   identification.)

3       BY MR. ICHTER:

4           Q.    It purports to be an Official Election  
5       Bulletin, dated December 1, 2020.

6           A.    Where would I find that in the file?

7           Q.    It's --

8           MR. MILLER:  You have to hit refresh.

9           THE WITNESS:  Okay.  Give me one  
10       second.  Let me refresh this.  This still  
11       looks like the old list of exhibits.

12          MR. MILLER:  Try scrolling all the  
13       way down.

14          THE WITNESS:  Yeah.

15       BY MR. ICHTER:

16          Q.    Yeah.  It should be towards --

17          A.    Oh.

18          Q.    -- the bottom.

19          A.    Okay.  Gotcha.  So CDG -- CGG --

20          Q.    14.

21          A.    -- one?

22          Q.    14.

23          A.    14.

24          Q.    Yes, sir.

25          A.    Okay.



1           Q.    Okay.  This is an Official Election  
2    Bulletin, dated December 1, 2020.  Do you recognize  
3    this document, sir?

4           A.    I do recognize it as an Official Election  
5    Bulletin.  I haven't read it yet, but.

6           Q.    Okay.  Well, it appears to be from you --

7           A.    Yeah.

8           Q.    -- in your capacity as the elections  
9    division director for the Secretary of State's  
10   office; correct?

11          A.    That's correct.

12          Q.    And it's directed to the county election  
13   officials and county registrars; correct?

14          A.    Correct.

15          Q.    And the subject is Preserving Ballot  
16   Images and Delivering them to the Secretary of  
17   State; correct?

18          A.    Yes, sir.

19          Q.    Okay.  So let me ask you first of all,  
20   because I'm not an elections super genius like some  
21   of these other folks, so I need basic rudimentary  
22   terms explained to me, what is a ballot image?

23          A.    A ballot image is the -- is a P.D.F. of  
24   each ballot as it's scanned in the scanner.  It  
25   photographs it or scans it and creates a P.D.F. and

1 preserves it in the -- in a memory card.

2 Q. Okay. So, so the process is --

3 MR. MILLER: Cary, can you give me  
4 one second. Vincent's back. We're just  
5 going to swap back out.

6 MR. ICHTER: Oh, sure. I haven't  
7 seen this much tag teaming since my last  
8 wrestling match.

9 MR. RUSSO: Well, unfortunately  
10 there's other work to do.

11 MR. ICHTER: I understand. I only  
12 mentioned wrestling, professional  
13 wrestling so that you would know I was  
14 cultured.

15 MR. RUSSO: Whenever you're ready.

16 BY MR. ICHTER:

17 Q. Okay. So, so I understand how the -- what  
18 a ballot image is, if I'm a voter, I go in to  
19 the -- or I go to the B.M.D. and I make my various  
20 selections, and the B.M.D. spits out a paper  
21 document; correct?

22 A. The printer below the B.M.D. does.

23 Q. Okay. And that paper document consists of  
24 a Q.R. code along with some human readable text  
25 that indicates, hopefully, who I voted for when I

1 was using the B.M.D.; correct?

2 A. Yes, sir.

3 Q. I then take that paper to one of the poll  
4 workers and they scan that into the system;  
5 correct?

6 A. Actually, the direction is the voter  
7 themselves scan it. It --

8 Q. Okay.

9 A. So they wouldn't -- they wouldn't -- in  
10 most cases, unless they needed some type of  
11 assistance, they would scan it themselves.

12 Q. Okay. But the poll worker would be there  
13 to tell me what I'm supposed to do, where I'm  
14 supposed to do it, make sure it gets done properly;  
15 correct?

16 A. Correct. Yes.

17 Q. Okay. And once that scanning event  
18 occurs, that document becomes stored in the system  
19 somewhere; correct?

20 A. The actual ballot document or the image  
21 document?

22 Q. The image.

23 A. Yeah, the image is generated when the  
24 ballot is scanned and gets stored on the memory  
25 card.

1           Q.    Okay.  So there's a memory card in the  
2           scanner that stores the image of the ballot, which  
3           is the paper with the Q.R. code and the human  
4           readable outcome of my selections; correct?

5           A.    Correct.

6           MR. RUSSO:  And I'm just going to  
7           object to the extent he's not a 30(b)(6)  
8           witness on these topics.

9           If you're just asking him if he  
10          knows, that's fine, but it's a fairly  
11          technical question, it sounds like.

12          MR. ICHTER:  That's -- I'm just  
13          asking him general knowledge.  I'm not  
14          asking this as a 30(b)(6).

15          THE WITNESS:  The scanner actually  
16          has two memory cards.  And I believe a  
17          copy is stored on each memory card.

18   BY MR. ICHTER:

19          Q.    Okay.  And then at the end of the day  
20          those memory cards are removed from the scanner;  
21          correct?

22          A.    One of them is removed from the scanner.

23          Q.    Okay.  What happens to the other one?

24          A.    It's -- it initially stays with the  
25          scanner.

1           Q.    Okay.  And then thereafter what happens  
2   with it?

3           A.    It gets collected later.

4           Q.    By who?

5           A.    Election officials.

6           Q.    For what purpose?

7           A.    I think it's a back-up and -- I think  
8   that's the main purpose.

9           Q.    Okay.  What happens to the one that's  
10   initially removed, the memory card?

11          A.    It's transported to the tabulation center  
12   in the county, usually the county election  
13   headquarters and is uploaded into the jump serve --  
14   into the E.M.S. server.

15          Q.    Okay.  And what happens to that  
16   information in the E.M.S. server?

17          A.    It is -- it's basically uploaded into the  
18   E.M.S. server that keeps a record, and then that's  
19   the -- that's the record of the ballots that were  
20   scanned on that memory card.

21          Q.    Okay.  And what happens to the memory  
22   card?

23          A.    After it has been uploaded to E.M.S.,  
24   it's -- should be preserved by the county election  
25   office.

1 Q. And where is it supposed to be preserved?

2 A. In a secured location until it's  
3 transferred to the Clerk of Superior Court.

4 Q. Okay. And that particular memory card is  
5 supposed to have all the ballot images on it for  
6 the B.M.D. -- or for the scanner, rather, that it  
7 was removed from; correct?

8 MR. RUSSO: Object to the form.

9 Lacks foundation.

10 THE WITNESS: It should, yes.

11 BY MR. ICHTER:

12 Q. Okay. And the -- in a given county, all  
13 of the memory cards for all of the scanners should  
14 contain all of the ballot images for votes cast in  
15 that county?

16 A. It should.

17 Q. Okay. All right. And so is the purpose  
18 of this particular bulletin to advise the counties  
19 on the manner in which they are to provide copies  
20 of those ballot images to the Secretary of State's  
21 office?

22 A. Give me a second to just review the  
23 bulletin.

24 (Whereupon, the document was  
25 reviewed by the witness.)

1 THE WITNESS: Yes.

2 BY MR. ICHTER:

3 Q. Okay. So properly handled, am I correct  
4 that as of today the Secretary of State's office  
5 should have a copy of all of the ballot images from  
6 count -- Fulton County for the November 2020  
7 election?

8 A. They should.

9 Q. Okay. And am I also correct that Fulton  
10 County should have its own separate copy of a  
11 memory card that contains all of the ballot images  
12 for all the ballots cast in the November 2020  
13 election, and those would be in the possession of  
14 the Superior Court?

15 MR. RUSSO: Objection. Relevance.

16 THE WITNESS: The Clerk of Superior  
17 Court, yes, sir.

18 BY MR. ICHTER:

19 Q. Okay. All right. And if -- well, let me  
20 ask you this. Are you aware of the fact that  
21 Fulton County produced ballot images on December  
22 8th to the Coalition that were to represent the  
23 ballot images from the November 2020 election and  
24 that some 18,000 ballot images were unaccounted  
25 for --

1 MR. RUSSO: Objection.

2 BY MR. ICHTER:

3 Q. -- roughly, 18,000 roughly?

4 MR. RUSSO: Objection. Lacks  
5 foundation.

6 THE WITNESS: I wasn't aware of that.

7 BY MR. ICHTER:

8 Q. Okay. If Fulton County did that and their  
9 explanation was they no longer have possession of  
10 those ballot images, is there anything about the  
11 way that ballot images are supposed to be  
12 maintained and retained by the county that would  
13 explain why that would be the case?

14 MR. RUSSO: Objection. Lacks  
15 relevance.

16 THE WITNESS: I don't know.

17 BY MR. ICHTER:

18 Q. Okay. Is it correct that, if Fulton  
19 County properly followed instructions in this  
20 bulletin from the Secretary of State with respect  
21 to ballot images for ballots that were cast in the  
22 November 2020 election, then the Secretary of  
23 State's office should currently have in its  
24 possession a copy of all of those ballot images?

25 A. Are you asking should the Secretary of



1 State have a copy of all the ballot images?

2 Q. Yes, sir.

3 A. If Fulton County followed the proper  
4 procedure and did everything they were supposed to  
5 do, then I would think the Secretary of State would  
6 have images. But I can't say that for certain.

7 Q. Okay. Now, the bulletin on preserving  
8 ballot images and delivering them to the Secretary  
9 of State, is that intended by the Secretary of  
10 State just to be sort of a helpful educational  
11 nudge on this is how you do it because you're  
12 legally obliged to turn those ballot images over to  
13 the Secretary of State?

14 A. Ask your question again.

15 Q. Let me ask it this way. The requirement  
16 that Fulton County turn over all ballot images to  
17 the Secretary of State is to your understanding a  
18 legal requirement; correct?

19 MR. RUSSO: Objection. Calls for a  
20 legal conclusion.

21 THE WITNESS: I'm not -- I'm not sure  
22 what the law says about ballot images and  
23 the requirement to -- what has to be done  
24 with the ballot images.

25 BY MR. ICHTER:

1           Q.    Okay. All right. The -- when the  
2           Secretary of State receives ballot images from the  
3           counties, what does it do in order to preserve  
4           those?

5           A.    We would generally retain them in the  
6           office for a year or so and then put them in  
7           archives.

8           Q.    Put them in the archives?

9           A.    Yes.

10          Q.    And where are the archives?

11          A.    The state, the state archives.

12          Q.    Okay. So they should be -- anything that  
13          the Secretary of State's office would have received  
14          from Fulton County containing ballot images from  
15          the November 2020 election would either be in the  
16          possession of the Secretary of State's office or in  
17          the archive at this point in time; correct?

18          A.    That's what I would expect.

19          Q.    Okay. When the ballot images come in from  
20          the counties, what does the Secretary of State's  
21          office do in order to assess what is -- well, let  
22          me back up.

23                   In what format does the -- do the ballot  
24          images come in?

25                   MR. RUSSO: Objection to the form of

1 the question.

2 If you know the answer.

3 THE WITNESS: I don't -- I don't know  
4 what form they come in.

5 BY MR. ICHTER:

6 Q. Okay. You don't know if they come in on,  
7 like, a thumb drive or a D.V.D. or some other way?

8 A. I don't.

9 MR. RUSSO: I'm just going to object  
10 again. He's not a 30(b)(6) witness on  
11 these topics.

12 MR. ICHTER: I know. But the scope  
13 of the deposition is not defined by the  
14 30(b)(6) notice. It's defined by the  
15 rules. And we can inquire into any matter  
16 relevant to the case.

17 MR. RUSSO: Right. And we identified  
18 him, though, for certain 30(b)(6) topics.  
19 If you're just going to ask him about, you  
20 know, his personal knowledge, that's fine  
21 again.

22 But the phrasing of the question is  
23 such that it's -- it appears that you're  
24 asking in a 30(b)(6) context. So. And  
25 again, if he knows the answer, he can go

1 ahead.

2 MR. ICHTER: I can --

3 MR. RUSSO: If he doesn't know the  
4 answer, that's fine.

5 MR. ICHTER: Yeah. That's fine. If  
6 he doesn't know the answer, it's fine.

7 BY MR. ICHTER:

8 Q. So is there anything that the Secretary of  
9 State's office does when the ballot images come in  
10 in order to determine exactly what volume of ballot  
11 images are contained in whatever medium is being  
12 provided to them?

13 A. I don't believe so.

14 Q. So it's not -- they're not inventoried in  
15 any kind of way?

16 A. The -- whatever the media is, whatever is  
17 turned in to us is logged in, so it's logged in,  
18 it's checked off to make sure we've gotten it, and  
19 then it's stored. But it's -- nobody reviews the  
20 images or does anything like that if that's what  
21 you're asking.

22 Q. Yeah, that's what I was asking.

23 How is -- how are they logged in? What  
24 kind of record is maintained?

25 A. I think there's a, essentially a check-off

1 sheet that -- for each county or a list of the  
2 counties, and you check off to make sure that  
3 they've included whatever they're supposed to have  
4 included in their -- in their package.

5 Q. Okay. If Fulton County had not turned  
6 over ballot images from the November 2020 election  
7 to the Secretary of State's office, would the  
8 Secretary of State's office have followed up with  
9 Fulton County to see why not and where they were?

10 MR. RUSSO: Again, I will --  
11 objection. Lacks relevance.

12 THE WITNESS: I, yes, I believe it  
13 would have.

14 BY MR. ICHTER:

15 Q. Okay. And are you aware of that  
16 happening?

17 A. No.

18 Q. Okay. Would you have been aware of it if  
19 that had happened?

20 A. I believe so, yes.

21 Q. Okay. And what kind of process would have  
22 been followed by the Secretary of State's office  
23 for the purposes of making some sort of  
24 determination about what the status of receiving  
25 those ballot images was?

1           A.    I likely would have called Fulton County  
2           and said, hey, we haven't gotten your election  
3           materials, can you -- you know, is there a problem,  
4           is there a delay, did you send them over and  
5           they're somewhere else. We would have wanted them  
6           accounted for.

7           Q.    Okay. And is that something that you  
8           would have personally done?

9           A.    I may have. It kind of depends on --  
10          Fulton County would usually bring theirs over  
11          themselves. The way -- the way it was done, you'd  
12          send people out and collect them.

13                But the large metro counties would  
14          generally bring them over to our offices  
15          themselves. And so if they hadn't brought them  
16          over, it's likely I would have called them. Or  
17          maybe the deputy director would have called them.  
18          Somebody would have certainly made contact with  
19          them.

20          Q.    Okay. Are the ballot images typically  
21          delivered as part of the election project package?

22          A.    They're generally delivered when they send  
23          all their paperwork from the election. It's  
24          generally delivered together.

25          Q.    Okay. And is that accumulation of data

1 usually referred to as the election project  
2 package?

3 A. I don't know that we call it that. We've  
4 colloquially used the term "ballot run,"  
5 election -- "post-election materials."

6 Q. Would it be surprising to you to learn  
7 that there are more than 50 counties that say that  
8 they did not retain images for the November  
9 original count?

10 MR. RUSSO: Objection. Lacks  
11 foundation.

12 THE WITNESS: That would be  
13 surprising.

14 BY MR. ICHTER:

15 Q. Okay. If that had happened, what would  
16 the Secretary -- what would you expect the  
17 Secretary of State's office to have done about  
18 that?

19 A. Well, the first thing probably would have  
20 been to determine if there was any way they could  
21 have been retrieved somehow. If not, it would  
22 certainly be a training issue to make sure that  
23 everyone was aware of the proper procedure.

24 Q. Is it fair to say that the Secretary of  
25 State's office would have done not only those

1 things but done those things necessary to retrieve  
2 those ballot images from those counties who had not  
3 turned them in?

4 A. Well, that's what I -- that was the first  
5 thing I said is --

6 Q. Okay.

7 A. -- is -- would have been to attempt to  
8 retrieve them.

9 Q. Okay. Do you have any recollection of any  
10 attempts to retrieve ballot images from any  
11 counties from the November 2020 election?

12 A. I don't think so.

13 Q. Okay. When -- you called them in the  
14 election bulletin a ballot run; correct?

15 A. Correct.

16 Q. And again, a ballot run as that term is  
17 used in the bulletin means what?

18 A. That's the process whereby the day would  
19 be designated after the election, and together with  
20 the investigation division we would designate State  
21 Patrol locations, and we would get counties in an  
22 area, say, okay, all you ten counties in southeast  
23 Georgia, take all your election returns to, you  
24 know, Georgia State Trooper Post 142 between, you  
25 know, 10:00 and 12:00 and an investigator will pick



1 up, take custody of them and bring them back here  
2 so we don't have 159 counties having to make a trip  
3 to Atlanta.

4 So that's the -- that's the general ballot  
5 run process. And what I pointed out in the  
6 previous answer was that about five or six of the  
7 large metro counties just bring them themselves.  
8 They don't -- they don't participate in that.

9 Q. Okay. And when you get in whatever media  
10 it is transmitted to you the ballot images, I trust  
11 from what you said before nothing is really done to  
12 check the authenticity of the files or materials in  
13 whatever media that is?

14 MR. RUSSO: Object to the extent it  
15 calls for a legal conclusion.

16 THE WITNESS: We -- the process at  
17 the Secretary of State's office is to  
18 check to make sure that it's been  
19 supplied, but it's not individual -- you  
20 know, if it's a C.D. or it's a jump drive  
21 that says ballot images, it's checked off,  
22 but they're not inspected.

23 BY MR. ICHTER:

24 Q. Okay. Nothing is done to make sure that  
25 there's been no modification to the ballot images;

1 correct?

2 A. That's correct.

3 Q. Okay. In your time with the Secretary of  
4 State's office, are you aware of there ever having  
5 been a situation in which counties failed to  
6 deliver either the election project packages or the  
7 ballot runs to the Secretary of State's office?

8 A. There were times when, yeah, somebody  
9 would miss the meeting point and they'd have to  
10 bring it themselves. Our practice was, if you're  
11 not there by 12:00 o'clock, you know, you're going  
12 to have to drive it to Atlanta yourselves.

13 But I don't believe there was ever a time  
14 that nobody ever turned it in. They may have been  
15 late or had to drive it up themselves or maybe even  
16 bring it down the next day if something happened.

17 Q. Okay. So, so if there was a -- any county  
18 in 2020 that did not deliver all of the ballot  
19 images for all of the ballots cast in the November  
20 2020 election to the Secretary of State's office,  
21 that would have been an unprecedented event?

22 A. What I'm saying is if no -- if a county  
23 didn't deliver any of their post-election materials  
24 to us, that would have been an unprecedented event.  
25 If a county had left something out or failed to

1 deliver something, we would generally follow up  
2 with them after and say, hey, you left this out,  
3 can you bring it or send it or whatever was  
4 appropriate.

5 Q. And they always comply with that to your  
6 recollection; correct?

7 A. To my recollection, yes.

8 Q. Okay. Was November 2020 -- or the  
9 November 2020 election, was this the first time  
10 that the Secretary of State's office informed the  
11 counties about this preserving of ballot images in  
12 the manner that this Official Election Bulletin  
13 does?

14 MR. RUSSO: Objection. Relevance.

15 THE WITNESS: I believe it was part  
16 of the initial training the counties got  
17 when they were training on the new system,  
18 so that would have been the first time.

19 I don't know if there were previous  
20 directives or updates sent either from the  
21 training director of the Secretary of  
22 State's office or from me about ballot  
23 images to the counties. I just don't  
24 know.

25 BY MR. ICHTER:

1           Q.    Was this bulletin then prompted by the  
2           fact that there was a new system in place and you  
3           wanted to make sure that the superintendents and  
4           the registrars were familiar with the process for  
5           handling the ballot images and getting them to the  
6           Secretary of State's office?

7           A.    I don't really remember the origin of what  
8           prompted this, whether it was questions from  
9           counties or issues. I don't remember the genesis  
10          of this bulletin.

11          Q.    Okay. All right. That's what I had to  
12          ask about that.

13                I was curious about a couple of things  
14          that Mr. Cross was asking you about. And he asked  
15          you early on -- and I apologize, by the way, if I  
16          ask you about anything that he asked about.  
17          Because early in the deposition, I don't know  
18          whether y'all noticed it or not, but I took a  
19          hiatus because my Internet went down for about ten  
20          or 15 minutes, and so I missed a bit. I will try  
21          not to ask you anything that he asked you about.

22                But he asked about when the B.M.D.s were  
23          purchased whether or not there were concerns about  
24          them, and you mentioned them being bulky and having  
25          so many component parts and that sort of thing;

1 correct?

2 A. That's correct.

3 Q. Okay. Did Texas, soon before Georgia  
4 purchase the Dominion system, reject an identical  
5 or similar system from Dominion?

6 A. I don't know what Texas did.

7 Q. You're not familiar and haven't heard  
8 anything about Texas rejecting a Dominion system?

9 MR. RUSSO: Objection. Asked and  
10 answered.

11 THE WITNESS: I don't know what  
12 system they had looked at or what the  
13 issues were.

14 BY MR. ICHTER:

15 Q. Okay. Do you know if it was a Dominion  
16 system?

17 A. I'm not positive it was Dominion, but  
18 it -- that sounds familiar.

19 Q. Okay. Would the state have done anything  
20 to investigate or research the question of whether  
21 or not other states had done due diligence with  
22 respect to the purchase of the Dominion system to  
23 sort of get a leg up on doing research into the  
24 pros and cons of the system?

25 A. Are you asking if we did or if we would

1 have?

2 Q. Did you?

3 A. I did not. And as I mentioned before, I  
4 wasn't part of the selection process, so I don't  
5 know if anybody else did or not as part of that  
6 process.

7 Q. Okay. So, so you didn't hear anything  
8 about that?

9 A. About --

10 Q. About --

11 A. -- particularly with states?

12 Q. Well, let me -- let me change the  
13 question. Is it fair to say that, based upon that  
14 answer, that you know nothing and have heard  
15 nothing about the due diligence process that was  
16 pursued in connection with the purchase of the  
17 Dominion system?

18 MR. RUSSO: Objection. Asked and  
19 answered.

20 THE WITNESS: That, that's correct.

21 I did not have anything to do with that.

22 BY MR. ICHTER:

23 Q. Okay. Other than the bulletin we looked  
24 at a moment ago, has the Secretary of State issued  
25 any other directives to the counties instructing

1       them to preserve election records from the November  
2       2020 election?

3           A.    I don't remember specific directives.  I'm  
4       not -- I don't know.

5           Q.    Okay.  Are you aware of the Secretary of  
6       State's office making the counties aware of this  
7       and other litigation that was going on that would  
8       have triggered a preservation duty on the part of  
9       the Secretary of State's office and those counties?

10           MR. RUSSO:  Objection.  Lacks  
11       foundation.  And calls -- to the extent it  
12       calls for a legal conclusion, I would  
13       object on that basis also.

14           THE WITNESS:  Like I said before, I  
15       know we sent out at least one, if not  
16       more, directives about preserving records  
17       for litigation.  And I couldn't tell you  
18       when each one was done or if any have been  
19       done since I've been gone.

20       BY MR. ICHTER:

21           Q.    Are you aware of anything that the  
22       Secretary of State's office did to investigate or  
23       research county compliance with those preservation  
24       efforts?

25           A.    I'm not aware of anything.

1           Q.    Okay. Did the State Election Board issue  
2           a rule of some sort about preserving images of  
3           election records in 2020?

4           A.    I don't remember. I know the State  
5           Election Board changed some rules and added some  
6           rules, but I don't remember specifically what it --  
7           what the rules said about ballot images.

8           Q.    Okay. Do you know how those rules, once  
9           promulgated, were made known to the counties?

10                   In other words, did the Secretary of  
11           State's office send out other bulletins, such as  
12           the one we saw moments ago, advising about State  
13           Election Board rule changes?

14                   MR. RUSSO: Objection to the ex -- it  
15           lacks foundation. He said he wasn't aware  
16           of other rules, I thought.

17                   THE WITNESS: Well, the general  
18           practice was, if there was a change in an  
19           S.E.B. rule or an addition to a rule, we  
20           would either send out something like an  
21           Official Election Bulletin or would send  
22           out sometimes on The Buzz with a link to  
23           the new rule notifying them of -- and then  
24           oftentimes a description of what this rule  
25           does and what it means to them.



1           So the general practice was to alert  
2           the counties when a State Election Board  
3           rule had been changed or created.

4       BY MR. ICHTER:

5           Q.    Okay.  And for those not in the know, what  
6           is The Buzz?

7           A.    The Buzz is a, sort of an electronic  
8           bulletin board that all the counties subscribe to.  
9           And it's a primary way of communicating between the  
10          Secretary of State's office and the counties.

11                I could, for example, log on to The Buzz  
12          and send a message to all -- everybody that  
13          subscribed to it.  And it's not just directors.  
14          It's anybody in the county election office can be  
15          subscribed.

16                And if we had something to try to get out  
17          as quickly and widely as possible, I would post  
18          up -- it's kind of like making a Facebook post, you  
19          know, post a message.

20                I could put links on there or something  
21          and say, hey, this State Election Board rule has  
22          been changed or this has been added or we've gotten  
23          a temporary injunction from a judge regarding this  
24          matter, this is something you need to be aware of  
25          immediately.

1           So they weren't always in the form of  
2           election bulletins. Sometimes we communicated  
3           through The Buzz, less frequently with E-mail to  
4           the counties.

5           We tried to get away from E-mails with  
6           attachments to limit cyber vulnerabilities. But we  
7           generally communicated with counties when something  
8           like that happened.

9           Q.    Okay. In November of 2020, who in the  
10           Secretary of State's office was responsible for  
11           cybersecurity, or in charge of cybersecurity?

12           A.    I would say the primary person was Merritt  
13           Beaver.

14           Q.    Okay. And did Dominion have involvement  
15           to your knowledge in developing cybersecurity  
16           policies for the State of Georgia after the  
17           implementation of the B.M.D. system?

18           A.    Are you asking if Dominion had influence  
19           on Georgia's Secretary of State's policies or vice  
20           versa or both or either or neither? I'm not trying  
21           to make --

22           Q.    Was it involved?

23           No. My question was was it involved? Was  
24           it involved in, was it consulted, was it  
25           voluntarily contributing in any manner?

1 A. I don't know.

2 Q. Okay. I want to ask you some questions,  
3 sir, about ballot secrecy. Are you aware of the  
4 Georgia requirements for ballot secrecy?

5 A. I am.

6 Q. And what is your understanding of them?

7 A. That the secrecy of the ballot is supposed  
8 to be protected from anybody seeing it, viewing it,  
9 being able to take a picture of it, anything like  
10 that.

11 Q. Okay. Take a look at Exhibit CGG 1.

12 (Whereupon, CGG Exhibit 1  
13 was marked for  
14 identification.)

15 BY MR. ICHTER:

16 Q. As the head of --

17 A. Yeah, give me one second. I've got to get  
18 there.

19 Q. Okay.

20 A. Are we talking about 21-2-379.22?

21 Q. Yes, sir.

22 A. Okay.

23 Q. Are --

24 A. I'm there.

25 Q. As the director of elections with the

1 Secretary of State's office with the State of  
2 Georgia, did you ever have occasion to familiarize  
3 yourself with O.C.G.A. 21-2-379.22?

4 A. Yes.

5 Q. Okay. And so were you aware of the fact  
6 that that statute said no electronic ballot marker  
7 shall be adopted or used in primaries or elections  
8 in the state unless it shall at the time satisfy  
9 the following requirements:

10 [As read] "Number five,  
11 permitting voting in absolute secrecy  
12 so that no person can see or know any  
13 other elect or's vote, except for when  
14 he or she has assisted the elector in  
15 voting as prescribed by law"?

16 Were you aware of that?

17 A. I was.

18 Q. Okay. As that term "absolute secrecy" is  
19 used in that statute, what do you understand that  
20 to mean?

21 MR. RUSSO: Objection to the extent  
22 it calls for an opinion, a legal opinion.

23 THE WITNESS: I think it means that  
24 the ballot should be something that is --  
25 I mean, "absolute" is a strong word, I

1           can't expand on absolute, but in a way  
2           that is going to protect the integrity of  
3           the voter's choice, so the secrecy of the  
4           voter's choices.

5       BY MR. ICHTER:

6           Q.    Okay. And it indicates that there are two  
7           aspects to this absolute secrecy, one is that so no  
8           person can see the way that another elector is  
9           voting. Is that your understanding?

10          A.    That's what it says, yes.

11          Q.    Okay. And the other is that so no person  
12          can know how you're voting; correct?

13          A.    That's correct.

14          Q.    And being in the elections business as you  
15          have been for as long as you have been, and it  
16          sounds like you have a pretty good and strong sense  
17          of the importance of voting, do you have a sense of  
18          why it is that ballot secrecy is regarded as so  
19          absolutely important?

20                MR. RUSSO:  Objection to the form of  
21          the question.

22                THE WITNESS:  I think it's -- you  
23          know, I -- my focus primarily was that  
24          it's the law, and so you maintain it.

25                But certainly you don't want people

1 unduly influenced or threatened or  
2 intimidated by voting a certain way or by  
3 revealing how somebody votes for fear or  
4 favor or anything like that.

5 BY MR. ICHTER:

6 Q. You don't want people subject to  
7 intimidation or violence because of how they vote;  
8 right?

9 A. Certainly not.

10 Q. And the vote to -- the right to vote would  
11 pretty much be a sham if that were the case; right?

12 A. It could be.

13 Q. Yeah. Are you aware of any level of  
14 acceptable intrusion into the privacy of a voter  
15 while they are voting in the state of law -- I  
16 mean, state, let me try that again -- in the state  
17 of Georgia?

18 MR. RUSSO: Objection to the extent  
19 it calls for a legal conclusion.

20 THE WITNESS: Could you ask it again?

21 BY MR. ICHTER:

22 Q. Are you aware of any level of acceptable  
23 intrusion into the privacy of an elector when they  
24 are voting in Georgia?

25 MR. RUSSO: Same objection.

1                   THE WITNESS: Well, certainly when  
2                   they're receiving lawful assistance --

3           BY MR. ICHTER:

4           Q.     Okay.

5           A.     -- that's allowed. And there are also  
6           circumstances where parents can bring young  
7           children into the voting booth that could possibly  
8           compromise the secrecy of the ballot.

9                   And so there are -- there are some  
10           exceptional circumstances where that would be  
11           allowed. But other than that, I would say no.

12           Q.     Okay. Are you also aware of the fact that  
13           voting machines and voting components, the  
14           components of those machines, are required to be in  
15           the full view of poll workers while the polls are  
16           open and those machines are being used?

17           A.     I believe that's correct.

18           Q.     Okay. And that's important, is it not, so  
19           that those machines cannot be tampered with?  
20           Correct?

21           A.     That's one -- that's one significant  
22           reason, yes.

23           Q.     So there is, would you not agree, some  
24           tension between the privacy requirement of the  
25           voter who is casting the vote and the requirement

1       that components always be visible?

2               MR. RUSSO:  Objection to form of the  
3       question.

4               THE WITNESS:  I would agree those  
5       are -- those are sometimes competing  
6       interests.

7       BY MR. ICHTER:

8               Q.    Okay.  But the interest of privacy and  
9       secrecy is, as we have seen, absolute; correct?

10              A.    The law uses the term "absolute."

11              Q.    Okay.  Are you aware of concerns that some  
12       people have articulated regarding the size of  
13       B.M.D. screens and the visibility of votes being  
14       cast on those machines?

15              A.    I'm aware of complaints and concerns that  
16       have been voiced regarding those topics.

17              Q.    Okay.  Who have you heard those kinds of  
18       complaints out of?

19              A.    I remember being at several state -- I  
20       couldn't identify the individual, but at several  
21       State Election Board meetings people have spoken in  
22       public comments about concern for those issues that  
23       you mentioned.

24                   And again, I can't -- I can't tell you  
25       everybody that's mentioned or even how many, but I



1 have heard comments and complaints about that  
2 before.

3 Q. When you say "people," are you talking  
4 about voters who have voiced concerns about whether  
5 or not their right to absolute secrecy in casting  
6 their votes was being violated by the use of the  
7 B.M.D.s?

8 A. So you're -- are you saying that somebody  
9 may have called and said my right was violated  
10 because I had to do this?

11 Q. No, sir. I'm talking about the context  
12 that you just described where you were at meetings  
13 where people stood up and told about their  
14 concerns.

15 And I'm wondering whether or not you  
16 understood those folks to be electors, to be voters  
17 who were concerned that, when they used a B.M.D.,  
18 their right to absolute secrecy was being violated.

19 A. I, again, I don't remember everything that  
20 everyone said, whether that -- whether or not they  
21 identified themselves as an elector or -- but I  
22 know that people have stood and spoken and have  
23 expressed that exact concern that you're talking  
24 about. But I can't begin to remember if somebody  
25 identified themselves as a voter or not.

1           Q.    Did -- do you know if the Secretary of  
2           State's office received complaints regarding  
3           B.M.D.s and the size of the B.M.D. screens being a  
4           problem with respect to the right of absolute  
5           secrecy in casting one's ballots?

6           A.    I, although I can't point to any specific  
7           complaint, I believe -- I believe that's correct.  
8           I believe we have gotten some complaints along  
9           those lines.

10          Q.    Okay.  And has the State of Georgia worked  
11          at all with the Elections Assistance Commission  
12          regarding the concerns about the size of the B.M.D.  
13          screens and the privacy concerns that that creates?

14          A.    I don't believe I'm aware of any  
15          communication with the E.A.C. on that.  And I  
16          don't -- I don't recall any communication that I've  
17          had with it regarding that topic.

18          Q.    I want to direct you to an exhibit, but my  
19          exhibit list just went down and it's queuing back  
20          up here.

21                All right.  So one of the things that the  
22          Secretary of State's office did in order to try to  
23          reconcile the tension between the right to absolute  
24          secrecy and the need for poll watchers to keep an  
25          eye on the voting equipment was to put together CGG

1 Exhibit 12.

2 Can you take a look at that?

3 (Whereupon, CGG Exhibit 12  
4 was marked for  
5 identification.)

6 THE WITNESS: Okay.

7 BY MR. ICHTER:

8 Q. Okay. Exhibit 12 purports to be a  
9 Precinct Layout to Aid With Privacy Training. And  
10 it is essentially a schematic that reflects a  
11 couple of different approaches for the organization  
12 of polling places to maximize the privacy of voters  
13 as they use B.M.D.s; correct?

14 A. That's correct.

15 Q. Okay. Now, who is it that prepared these  
16 particular schematics?

17 A. Well, actually, I did the rough version of  
18 these. But then somebody in our office who's a  
19 much better graphic designer than I am populated it  
20 with nice details. Mine were boxes and arrows and  
21 things like that. So. But I gave the rough plans  
22 to somebody at our office to dress it up.

23 Q. At the point in time that these were  
24 created -- well, let me change that.

25 When were these schematics created?

1           A.    I don't remember. I don't remember  
2           exactly when I did that.

3           Q.    Did you actually have access to a live  
4           B.M.D. at the point in time that you created the  
5           schematic?

6           A.    I mean, I didn't have one in front of me,  
7           but I had certainly been around them and had seen  
8           them used when I created this, yes, if that's --

9           Q.    Okay.

10          A.    -- what you're asking.

11          Q.    Okay. Did you have -- well, let's take a  
12          look at the first schematic, which -- well, that  
13          one says it's ineffective, so let's not look at  
14          that one. Let's look at the effective/preferred  
15          precinct layout, which is the second schematic.  
16          Okay?

17                And I take it that the difference between  
18          schematic number one, which is ineffective, and  
19          schematic number two, which is effective, is that  
20          we see people lined up behind the folks who are  
21          casting their votes on the B.M.D. screen, and it's  
22          ineffective because, in the position of being  
23          behind the voter, you can see the screen; right?

24          A.    You could potentially see the screen if  
25          the person wasn't standing in front of it, yes.

1           Q.     Okay. And the way that we cure that with  
2           the effective and preferred precinct layout is that  
3           we take the B.M.D.s and we point them towards a  
4           wall, and the voters who are waiting to vote wait  
5           on the other side such that they don't have a view  
6           of both the back of the voter and the front of the  
7           B.M.D. screen; right?

8           A.     That's correct.

9           Q.     Okay. Now, when you put together the  
10          effective and preferred precinct layout, did you  
11          actually have two B.M.D. screens side by side  
12          configured in the manner that is shown on this  
13          preferred layout such that you could determine  
14          whether or not, if you were standing -- if two  
15          voters were standing next to each other, whether  
16          they could see each other's screens as they voted?

17          A.     I did not. And it's not necessarily drawn  
18          to scale.

19          Q.     Okay. All right. Well, did you do any  
20          sort of analysis, research or testing that was  
21          designed to tell you whether or not two people who  
22          were voting next to each other in this  
23          configuration would be able to see how each other  
24          was voting?

25          A.     I didn't do testing. However, I had

1 travelled throughout the state and had observed a  
2 lot of polling places and people voting, and so I  
3 used that to inform this.

4 Q. Okay. Well, did you, yourself, ever stand  
5 in front of a B.M. -- in connection with doing this  
6 work, putting together this schematic, did you ever  
7 stand in front of a B.M.D. screen that was active  
8 that you were sort of doing a test vote on and have  
9 somebody else stand next to you with a B.M.D.  
10 screen to see whether or not you could see what  
11 they were doing on their screen?

12 A. I don't know that I ever conducted that  
13 experiment specifically. But I know that, in  
14 our -- in our training environment we had B.M.D.s  
15 set up kind of side by side for demonstration and  
16 for training and stuff like that, so I was familiar  
17 with seeing B.M.D.s side by side.

18 Q. And are you saying that, when a B.M. --  
19 when two people are voting side by side in the  
20 manner depicted in this, quote, effective and  
21 preferred precinct layout, that neither one of  
22 those people standing next to each other can see  
23 how the other one is voting because of the layout  
24 of the precinct?

25 A. I'm saying they can be set up so that

1       that's not the case. It -- they could also be set  
2       up ineffectively in that same -- they could be too  
3       close. They could be set too far back. There --  
4       you could -- you could certainly configure it so  
5       that that's not optimal either.

6               But I believe that if you -- if you did it  
7       effectively and you tested that with the set-up and  
8       there was enough room, that they could be  
9       potentially side by side.

10       Q.    Okay. So --

11       A.    Again, this was -- this wasn't designed to  
12       tell people, hey, slap them right next to each  
13       other. It was designed primarily to say, hey, turn  
14       them around so that they're not facing outwards.

15       Q.    Okay. Let me ask you this. I trust that  
16       a fundamental assumption of the way that this is  
17       configured, the layout is configured, that one of  
18       your fundamental assumptions is that neither one of  
19       these voters -- and let's talk about the two folks  
20       in blue at the bottom, bottom left-hand corner.

21               Do you see where I am?

22       A.    Yes, sir.

23       Q.    Okay. Those, let's call them voter one,  
24       the lower one, and voter number two is the higher  
25       one in the --

1           A.     Okay.

2           Q.     -- blue and white. Is it not a  
3           fundamental assumption of the notion that this is  
4           effective that voter number one is not going to try  
5           to look at voter number two's screen?

6           A.     I think the -- because it's illegal to  
7           look at somebody else's screen, I think there's --  
8           that's part of the equation, that you're not  
9           allowed to look at somebody else's screen. So I  
10          think that's factored in.

11                  I don't know that you rely on that  
12          exclusively. Otherwise you could, you know, put  
13          them together and just say, hey, the law says you  
14          can't look at them. You certainly want to help  
15          people obey the law by making it difficult.

16                  But the expectation, legal expectation is  
17          you're not going to look at somebody else's ballot  
18          anyway.

19          Q.     But as you say, if the fundamental  
20          assumption is that people are going to -- just  
21          going to follow the law because it's the law, it  
22          doesn't matter how the room is configured, right,  
23          they're just not going to look?

24          A.     Right. And so that's -- you know, I'm not  
25          sure I estimate human nature quite that high that I



1 would just leave them out there unguarded.

2 But again, you know, could you set up a  
3 system with enough space or with some other type of  
4 barriers that would allow this to happen is --  
5 again, this is not the only way to do it. But in  
6 contrast to the previous one, this is a -- this is  
7 a better way to do it.

8 Q. So since you and I have been around the  
9 block a couple of times and we know human nature is  
10 such that people do not always follow the law, we  
11 should assume that some voters will try to see how  
12 some other voters are voting; correct?

13 A. Yes. And take appropriate precautions to  
14 prevent that.

15 Q. Is there anything in this particular  
16 configuration, this preferred precinct layout, that  
17 you believe prevents voter number one from taking a  
18 look at voter number two's screen if that's what  
19 they want to do?

20 A. I think there could be. I know a number  
21 of counties set up additional privacy screens or  
22 they had curtains on the side. So again, it  
23 depends on the specifics of a -- of a particular  
24 building and the particular polling place. So the  
25 answer is it could be.

1           Q.     Right. One of the problems with  
2     configuration number one is, if you're standing  
3     directly behind the voter, the screens are of such  
4     a size and the font is such a size that, if you're  
5     straight behind them, you can pretty much get a  
6     good look at the screen, can't you, if you're close  
7     enough?

8           A.     Depending on the different factors, the  
9     size of the voter, the distance, all those things,  
10    it's certainly easier to get a look if you're  
11    facing the actual screen or if the screen is facing  
12    you than if the screen is blocked or obscured or  
13    somehow not facing you directly.

14          Q.     Okay. And if voter number one decided  
15    that, since our lady in orange down here who is  
16    going to take the place of voter number one is such  
17    an anxious and enthusiastic voter that she's  
18    already walking towards the machine as voter number  
19    one finishes up, voter number one could go in  
20    behind voter number two and take a glance at her  
21    screen as she walked by and walk between the two  
22    tables that have the B.M.D.s on them, couldn't she?

23          A.     That's a possibility.

24          Q.     Okay. And if you're right behind at that  
25    close a proximity, you're going to get a good look

1 at that screen, aren't you?

2 A. You might, depending on how the voter is  
3 positioned and what other privacy measures they  
4 have in place.

5 Q. Then we have another preferred version  
6 which has the voters at opposite ends of a table  
7 that has the B.M.D.s at the ends of those tables;  
8 correct?

9 A. Correct.

10 Q. Or in some cases I've seen metal cabinets  
11 that contain the B.M.D.s; correct?

12 A. Yes. Fulton County uses those.

13 Q. Okay. Have you seen any polling places  
14 that employ these specific schematics?

15 A. Where they're set up on the end of the  
16 table?

17 Q. No. I mean either one of them, either one  
18 of the preferred schematics.

19 A. Yes.

20 Q. Okay. All right. Would you say that the  
21 majority of polling places in the state of Georgia  
22 employed layouts like these schematics?

23 A. I wouldn't be able to answer that. I've  
24 certainly not been to a majority of the polling  
25 places in Georgia.

1           Q.     Take a look at CGG Exhibit 4.  
2                                 (Whereupon, CGG Exhibit 4  
3                                 was marked for  
4                                 identification.)

5           THE WITNESS:   Okay.  I've got it.

6           BY MR. ICHTER:

7           Q.     And before we get into that, is it correct  
8           that the polling places have to have one B.M.D. for  
9           every 250 voters in the precinct?  I may have  
10          misstated.

11          A.     You -- I believe they have to have a  
12          voting station for every 250 voters.

13          Q.     I may have --

14          A.     I think it technically doesn't require it  
15          to be a B.M.D.

16          Q.     Okay.  Do you know if there's a ratio of  
17          voters to B.M.D.s for polling places?

18          A.     I don't think specifically.  Most  
19          counties -- most counties take a -- take the one to  
20          250 for B.M.D.s.

21          Q.     Uh-huh.  Do you recognize this as being  
22          the polling place for the presidential election at  
23          the State Farm Arena in Atlanta, Georgia?

24          A.     I see that's how it's labeled.  I never  
25          went there, but I don't dispute that that's what it

1 is.

2 Q. Okay. And do you see, are these B.M.D.s  
3 that are contained inside of metal cabinets?

4 A. Yes.

5 Q. And is it four B.M.D.s, one on each end  
6 and two in the middle, is that the way that it's  
7 configured?

8 A. I don't know if it's four or three. But  
9 it's at least three, and there may be four. But I  
10 don't --

11 Q. It may be just one end unit?

12 A. Yeah. Or there could -- yeah, because  
13 I -- something tells me there are only three per  
14 unit, but I could be wrong. I went and looked at  
15 them when Fulton County first got them, but I don't  
16 recall exactly how they're laid out.

17 Q. Okay. Do you see anything in this  
18 particular photograph that employs some of the  
19 strategies behind the preferred layouts that are  
20 intended to protect the voter's right to absolute  
21 secrecy?

22 A. I do.

23 Q. What's that?

24 A. Well, you've got -- you've got a screen on  
25 the end of a cart or a -- really it's the end of a

1 table. And you also have the barrier doors between  
2 the side-by-side creating a barrier to look from  
3 one side to the next to see how your neighbor's  
4 voting.

5 So I do see some of those --

6 Q. Uh-huh.

7 A. -- in this.

8 Q. So if the -- the woman who's over to the  
9 left-hand side in black carrying a piece of paper,  
10 do you see her?

11 A. Yeah. Looking kind of straight at us?

12 Q. Yep.

13 A. Okay.

14 Q. And you see the fellow in the orange  
15 sweatshirt?

16 A. I do.

17 Q. Who must occupy the unfortunate station in  
18 life of being a Tennessee Volunteer fan?

19 A. Or a Halloween enthusiast.

20 Q. Yeah. One of those two.

21 Am I not correct that, if the lady in  
22 black were to take about one or two more steps and  
23 turn to her left, that she would be able to see  
24 right over the shoulder of the gentleman in the  
25 orange sweatshirt and see how he's voting?

1           A.     I'm not sure that she'd be able to see  
2           through the guy in the orange sweatshirt. I mean,  
3           if she -- am I saying if she made extraordinary  
4           efforts might she be able to see it? She might be  
5           able to. But he looks like he takes up a good  
6           amount of real estate in front of that B.M.D.

7           Q.     Okay. So people who have a little more  
8           meat on their bones have a greater right to privacy  
9           and voting in the state of Georgia. What about  
10          skinny folks?

11          A.     Well, I didn't say that. You were --  
12          we're talking about a specific case.

13          Q.     I understand. I'm just making a joke.

14          A.     Okay.

15          Q.     But the point is, if there was someone who  
16          was sligher than the gentleman in orange who was  
17          casting votes at that point in time, somebody  
18          standing directly behind them -- and there's no --  
19          nothing that inhibits the ability of anybody in  
20          this shot from standing one foot behind that  
21          gentleman as he votes, is there?

22          A.     Well, they -- I suspect they probably had  
23          COVID protocols and social distancing. But whether  
24          or not that would be enforced, I couldn't tell you.

25          Q.     Usually when I see social distancing and

1 COVID protocols, there's tape on the floor. Do you  
2 see any tape on the floor?

3 A. I do not.

4 Q. Okay.

5 A. I see everyone wearing masks.

6 Q. So if that lady in black were to walk up  
7 behind the gentleman in orange one foot behind him  
8 and crane her neck a little bit, don't you think  
9 she'd be able to see how he's voting?

10 A. She might be able to. Or if she walked up  
11 and looked around his side or climbed up on his  
12 shoulder, I believe she'd be able to do that.

13 Q. And that would be a violation of his  
14 absolute right to secrecy of his vote, wouldn't it?

15 A. It would, and she would be breaking the  
16 law.

17 Q. Okay. Now, if our friend in orange were  
18 to vote by absentee ballot and mail in his ballot,  
19 he wouldn't have that problem, would he?

20 A. He would not.

21 Q. Okay. Or if he had a hand-marked paper  
22 ballot and he was behind a curtain or some other  
23 enclosure which would -- that would be possible, we  
24 could use enclosures or curtains or things like  
25 that where there was no mechanical device that we



1 had to worry about being tampered with, because you  
2 don't -- you can't tamper with a piece of paper;  
3 right?

4 A. Well, I think you -- I'm not sure I would  
5 agree that you can't tamper with a piece of paper.  
6 But I think that the -- I think there would not be  
7 the same concerns with a curtain or a slide or  
8 something like that if --

9 Q. If you had a hand-marked paper ballot;  
10 correct?

11 A. I don't disagree with that.

12 Q. So, so the ability to preserve the  
13 absolute right to ballot secrecy would better be  
14 served by hand-marked paper ballots; correct?

15 MR. RUSSO: Objection to the form of  
16 the question. Calls for a legal  
17 conclusion.

18 THE WITNESS: It would certainly have  
19 a -- it would provide different  
20 opportunities.

21 BY MR. ICHTER:

22 Q. And it doesn't have the same tension as  
23 the securities between absolute secrecy and  
24 security that we have with a ballot marking device;  
25 correct?

1           A.     Say that again.   I --

2           Q.     Well, we had -- you testified before that  
3           there's a tension between the need to have the  
4           ballot marking device in a place where the poll  
5           workers can see it and at the same time have  
6           absolute secrecy of the manner in which the voter  
7           votes --

8           A.     Right.

9           Q.     -- where they vote, how they vote.

10                   And my question is, that tension is  
11           eliminated with the hand-marked paper ballot;  
12           correct?

13           A.     It's certainly diminished greatly.

14           Q.     Excuse me a second.   I'm sorry.   I'm  
15           getting E-mails from my daughter's school.   Give me  
16           just a second.

17                   MR. RUSSO:   Want to take a break,  
18           Cary?

19                   MR. ICHTER:   Yeah.   Let's -- can we  
20           take five?   Can we take five minutes?

21                   MR. RUSSO:   Sure.

22                   MR. ICHTER:   Thank you.

23                   THE VIDEOGRAPHER:   The time is 3:32  
24           p.m.   We're off the record.

25                   (Whereupon, a discussion ensued

1 off the record.)

2 (Whereupon, there was a brief

3 recess.)

4 THE VIDEOGRAPHER: The time is 3:39

5 p.m. We're on the record.

6 BY MR. ICHTER:

7 Q. Okay. Mr. Harvey, would you look at

8 Exhibit CGG 16.

9 (Whereupon, CGG Exhibit 16

10 was marked for

11 identification.)

12 THE WITNESS: Mine stops at 15. Want

13 me to refresh and see if it comes up?

14 BY MR. ICHTER:

15 Q. Yeah. Try refreshing. It was obviously

16 the last one.

17 A. Okay.

18 Q. Got it?

19 A. Okay. I've got it.

20 Q. Okay. This purports to be an E-mail from

21 Cynthia Willingham, dated June 11, 2020, to a

22 variety of people. You're not one of them. But

23 the subject is Additional Training Needed.

24 And this has to do with what appears to be

25 a batch management problem that is described by

1 Ms. Willingham in the first paragraph where she  
2 talks about an attempt to pull by mail ballots  
3 scanned from I.C.C. over into R.T.R. and it did not  
4 work. And then she goes into some additional  
5 detail about that that I can let you read on your  
6 own.

7 My first question is whether or not you  
8 are familiar with this batch management problem.

9 A. No, I'm not.

10 Q. Okay. You're not aware of this particular  
11 problem that Rockdale County had?

12 A. I don't believe so, no.

13 Q. Okay. Hold on a second.

14 A. I mean, it --

15 Q. Oh, I take it back. You were one of the  
16 recipients.

17 A. I am on the E-mail.

18 Q. Yeah. That's correct. Sorry.

19 Do you recall receiving this?

20 A. I don't remember receiving it  
21 specifically. I'm not disputing that I received  
22 it, but.

23 Q. It's -- it says it's a request for  
24 additional training.

25 A. Uh-huh.

1           Q.    Are you aware of additional training that  
2           was provided to Rockdale County because of a  
3           problem that was being had there?

4           A.    I'm not aware of specific training for,  
5           specifically for Rockdale County, but I know that  
6           additional training was provided after the primary  
7           election.

8                     And a lot of it had to do with the back  
9           end with the E.M.S. uploads, which is where we  
10          identified a -- you know, some concerns with people  
11          doing that.

12                    So I know there was additional training  
13          provided. Whether or not Rockdale County  
14          specifically took advantage of it, I suspect they  
15          did, because she was a pretty proactive director.

16          Q.    And when you say "problems with people  
17          doing that," what specifically are you referring  
18          to?

19          A.    Well, again, I didn't -- I didn't really  
20          get into a lot of the specifics of the E.M.S. and  
21          the process used to upload and do that kind of  
22          stuff, but I knew that those were processes that  
23          had to be done exactly. I mean, you -- if you  
24          don't follow one of the steps, you're not going to  
25          get everything where it needs to be.

1                   So we, after the primary, we got with  
2           Dominion and identified complaints that they got,  
3           concerns that their techs reported, and said, okay,  
4           where do we need to target some training for areas  
5           of concern for all the counties.

6                   And so we did our best to get whatever  
7           specific training people needed or make it  
8           available for them to take advantage of it.

9           Q.     Were there a number of counties that were  
10          having issues with respect to the uploads to the  
11          E.M.S. system?

12          A.     I don't know about a number. I know that  
13          there were counties that had problems with it, but  
14          I couldn't tell you how many.

15          Q.     Okay. And following the additional  
16          training, is it your testimony that those problems  
17          did not persist?

18          A.     They, I think they certainly got better.  
19          But as you saw, and I think it was maybe during the  
20          previous questioning, you had the director in  
21          Sumter County that still wasn't comfortable with  
22          doing it.

23                   So I wouldn't say that, you know,  
24          everything was perfect and that everybody had a  
25          perfect comprehension of everything they were

1       supposed to be doing, which is why we, you know,  
2       tried to drive as much training as we could.

3           Q.     And when these problems would arise, what  
4       would be the upshot of the problems in terms of  
5       election results?

6           A.     Well, it depends on what the -- what the  
7       issue was and how long it took to get it resolved.  
8       If it was a simple, you know, phone call to a  
9       support person to say, you know, I can't -- I can't  
10      do this thing to move on to the next step, they  
11      could maybe walk them through the process of, hey,  
12      have you done this, have you done this, have you  
13      done -- oh, no, I missed that step, well, you do  
14      that and then you can go forward.

15                 And in some cases it did delay results.  
16      We did have some instances where results were  
17      delayed and we, you know, we did our best to get  
18      those resources to the people who had those kinds  
19      of problems.

20           Q.     Okay. Did the problems ever result in the  
21      inaccurate counting of votes?

22           A.     Not that I'm aware of, no.

23           Q.     Okay. Give me just a second.

24                 MR. ICHTER: Sir, that's all I have  
25      for you. I certainly do appreciate your

1 time and patience.

2 THE WITNESS: Thank you.

3 MS. ELSON: Before we go off the  
4 record, this is Hannah with Morrison &  
5 Foerster, I'd just like to put on the  
6 record that we're going to hold the  
7 30(b)(6) part of the deposition open  
8 because Mr. Harvey wasn't knowledgeable on  
9 certain topics that he was designated on.  
10 And we're going to send a follow-up note  
11 explaining our position on that.

12 THE VIDEOGRAPHER: All right. This  
13 concludes the deposition. The time is  
14 3:46 p.m., and we're now off the video  
15 record.

16 (Whereupon, a discussion ensued  
17 off the record.)

18 (Whereupon, the reading and  
19 signing of the deposition by the  
20 witness was reserved.)

21 (Witness excused.)

22 - - -

23 (Whereupon, the deposition  
24 concluded at 3:50 p.m.)

25 --oOo--



1 VERITEXT LEGAL SOLUTIONS

2 FIRM CERTIFICATE AND DISCLOSURE

3

4 Veritext represents that the foregoing  
5 transcript as produced by our Production  
6 Coordinators, Georgia Certified Notaries, is a  
7 true, correct and complete transcript of the  
8 colloquies, questions and answers as submitted by  
9 the certified court reporter in this case.

7

8 Veritext further represents that the  
9 attached exhibits, if any, are a true, correct and  
10 complete copy as submitted by the certified  
11 reporter, attorneys or witness in this case;

12 And that the exhibits were handled and  
13 produced exclusively through our Production  
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15 of notarized production certificates related to  
16 this proceeding are available upon request to  
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18 as any party receives a discount. Ancillary  
19 services such as calendar and financial reports are  
20 available to all parties upon request.

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## 1 R E P O R T E R C E R T I F I C A T E

2 STATE OF GEORGIA )  
3 COBB COUNTY )4 I, Debra M. Druzisky, a Certified Court  
5 Reporter in and for the State of Georgia, do hereby  
6 certify:7 That prior to being examined, the witness  
8 named in the foregoing deposition was by me duly  
9 sworn to testify to the truth, the whole truth, and  
10 nothing but the truth;11 That said deposition was taken before me  
12 at the time and place set forth and was taken down  
13 by me in shorthand and thereafter reduced to  
14 computerized transcription under my direction and  
15 supervision. And I hereby certify the foregoing  
16 deposition is a full, true and correct transcript  
17 of my shorthand notes so taken.18 Review of the transcript was requested.  
19 If requested, any changes made by the deponent and  
20 provided to the reporter during the period allowed  
21 are appended hereto.22 I further certify that I am not of kin or  
23 counsel to the parties in the case, and I am not in  
24 the regular employ of counsel for any of the said  
25 parties, nor am I in any way financially interested  
in the result of said case.IN WITNESS WHEREOF, I have hereunto  
subscribed my name this 11th day of February, 2022.

&lt;%13053,Signature%&gt;

---

Debra M. Druzisky  
Georgia CCR-B-1848

1 R E P O R T E R D I S C L O S U R E

2 DISTRICT COURT ) DEPOSITION OF  
3 NORTHERN DISTRICT) WILLIAM "CHRIS" HARVEY  
4 ATLANTA DIVISION )

5 Pursuant to Article 10.B of the Rules and  
6 Regulations of the Board of Court Reporting of the  
7 Judicial Council of Georgia, I make the following  
8 disclosure:

9 I am a Georgia Certified Court Reporter.  
10 I am here as a representative of Veritext Legal  
11 Solutions.

12 Veritext Legal Solutions was contacted by  
13 the offices of Morrison & Foerster to provide court  
14 reporting services for this deposition. Veritext  
15 Legal Solutions will not be taking this deposition  
16 under any contract that is prohibited by O.C.G.A.  
17 9-11-28 (c).

18 Veritext Legal Solutions has no contract  
19 or agreement to provide court reporting services  
20 with any party to the case, or any reporter or  
21 reporting agency from whom a referral might have  
22 been made to cover the deposition.

23 Veritext Legal Solutions will charge its  
24 usual and customary rates to all parties in the  
25 case, and a financial discount will not be given to  
any party in this litigation.

Debra M. Druzisky  
Georgia CCR-B-1848

1 Vincent Russo, Esquire

2 vrusso@robbinsfirm.com

3 February 7. 2022

4 RE: Curling, Donna v. Raffensperger, Brad

5 1/28/2022, William "Chris" Harvey (#5037466)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-midatlantic@veritext.com

16

17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Curling, Donna v. Raffensperger, Brad

2 William "Chris" Harvey (#5037466)

3 E R R A T A S H E E T

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6 REASON \_\_\_\_\_

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21 REASON \_\_\_\_\_

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23 \_\_\_\_\_

24 William "Chris" Harvey Date

25 \_\_\_\_\_

1 Curling, Donna v. Raffensperger, Brad  
2 William "Chris" Harvey (#5037466)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, William "Chris" Harvey, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10

11

12 \_\_\_\_\_  
William "Chris" Harvey Date

13 \*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16

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\_\_\_\_\_  
NOTARY PUBLIC

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